

**VARIANCE
REQUEST
VAR 10-01
APPLICANT:
WALT
ANDERSON**

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

MEMO DATE: MARCH 10, 2010
HEARING DATE: APRIL 1, 2010
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: VARIANCE APPLICATION – VAR 10-01

File No. VAR 10-01
Date 3-10-10
Exhibit No. 1
Received by (initials)

APPLICANT/
PROPERTY OWNER: WALT ANDERSON, 1414 RIVERSIDE DRIVE
WEST RICHLAND 99353.

VARIANCE REQUEST: BCC 11.16.030(c)(b) for a twenty-two (22) foot reduction from the required fifty-five (55) foot front yard setback from a county road leaving a thirty-three (33) foot setback from the centerline of Riverside Drive, for the construction of a 36-foot by 48-foot accessory building.

EXHIBITS:

- Exhibit No. 1: Staff Memo dated March 10, 2010
- Exhibit No. 2: VAR 10-01 Application
- Exhibit No. 3: Chicago Title Insurance Company
- Exhibit No. 4: Short Plat 1731
- Exhibit No. 5: Vicinity Map
- Exhibit No. 6: GIS Map of Site
- Exhibit No. 7: Plot Plan
- Exhibit No. 8: Notice of Open Record Hearing, published March 18, 2010.
- Exhibit No. 9: Comments from Benton County Dept of Public Works -March 3, 2010 3:49 p.m.
- Exhibit No. 10::Comments from Benton County Dept. of Public Work – March 3, 2010 4:20 p.m.
- Exhibit No. 11 Comments from Benton County Fire Marshal - February 18, 2010.
- Exhibit No. 12 Comments from Benton County Building Department - February 18, 2010.
- Exhibit No. 13 Comments from Benton Franklin Health District – February 18, 2010.
- Exhibit No. 14 Comments from Columbia Irrigation District – February 26, 2010.
- Exhibit No.15 Photos of the site taken February 18, 2010
- Exhibit No.16 Aerial Photos of the site taken in 2008.

Site Location: The site is located at 1414 Riverside Drive on Lot 24 and a portion of Lot 23 of the Bridge Acres Plat in the Southeast Quarter of the Southeast Quarter, in Section 5, Township 9 North, Range 28 East W.M.

Land Use: The site and surrounding properties are developed with single-family dwellings and agricultural uses.

Zoning: The site and surrounding areas are zoned Agriculture.

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands – 1".

State Environmental Policy Act: Categorically exempt from the requirements of the Washington State Environmental Policy Act as outlined in WAC 197-11-800(6)(b).

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Revised Code of Washington RCW 36.70.810, requires that the following findings be made prior to the granting of the variance and the applicant should be prepared to demonstrate before the Board of Adjustment that such findings exist.

a. Variances granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and the zone in which the property is situated.

b. That strict application of the Zoning Ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zoning classification because of special circumstances applicable to subject property including size, shape, topography, location or surroundings

c. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.

2. Benton County Code Section 11.52.088(b) states:

"Variance—General Standards. The variance application process allows the Board of Adjustment in specific cases, as provided in RCW 36.70.810, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purpose and intent of this title and is accordance with the requirements of this section. However, the Board of Adjustment shall not grant variances to land uses or density requirements."

3. Benton County Code Section 11.52.088(e) provides:

"Variance—Permit Granted. (1) A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

(i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;

(ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;

(iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;

(iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands – 1".

State Environmental Policy Act: Categorically exempt from the requirements of the Washington State Environmental Policy Act as outlined in WAC 197-11-800(6)(b).

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Revised Code of Washington RCW 36.70.810, requires that the following findings be made prior to the granting of the variance and the applicant should be prepared to demonstrate before the Board of Adjustment that such findings exist.

a. Variances granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and the zone in which the property is situated.

b. That strict application of the Zoning Ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zoning classification because of special circumstances applicable to subject property including size, shape, topography, location or surroundings

c. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.

2. Benton County Code Section 11.52.088(b) states:

"Variance—General Standards. The variance application process allows the Board of Adjustment in specific cases, as provided in RCW 36.70.810, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purpose and intent of this title and is accordance with the requirements of this section. However, the Board of Adjustment shall not grant variances to land uses or density requirements."

3. Benton County Code Section 11.52.088(e) provides:

"Variance—Permit Granted. (1) A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

(i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;

(ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;

(iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;

(iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;

(v) the problem sought to be addressed is not common for other properties in the surrounding area;

(vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;

(vii) the variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,

(viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

(2) The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by subsection (e)(1) above.

4. 11.16.030 FRONT YARD. (a) There shall be a front yard setback of at least fifty-five (55) feet from the centerline of any city, county or state road right-of-way of sixty (60) feet or less in width. If the right-of-way width exceeds sixty (60) feet, the setback then shall be at least twenty-five (25) feet from the property line.

(b) No building shall be hereafter erected or altered so any portion thereof shall be nearer to the front property line than the distance indicated in the preceding subparagraph, EXCEPT eaves, cornices, belt course, and similar ornamentations may project over a front yard not more than two (2) feet. Steps, terraces, platforms, and porches having no roof covering and being not over forty-two (42) inches in height may extend into a front yard.

(c) There shall be a front yard setback of at least twenty-five (25) feet from any access and/or combined access and utility easement adjacent to or within the property.

FINDINGS OF FACT:

If the Board of Adjustment makes a decision to either approve or deny this proposal, the Board shall include in a written record of the case the findings of fact upon which the action is based. The following is information compiled by the Planning Staff as of the date of this memo. The following should be considered by the Board of Adjustment and may be used in the Boards findings of fact for this proposal.

1. The applicant/property owner is Walt Anderson 1414 Riverside Drive. West Richland, WA 99353.

2. The applicant is requesting approval for a variance to BCC 11.60.040 for a twenty-two (22) foot reduction from the required fifty-five (55) foot front yard setback from a County Road for the construction of a 36-foot by 48-foot accessory building

3. The site is located at 1414 Riverside Drive on Lot 24 and a portion of Lot 23 of the Bridge Acres Plat in the Southeast Quarter of the Southeast Quarter, in Section 5, Township 9 North, Range 28 East W.M.

4. The application was submitted to Benton County on February 12, 2010 and was determined a complete application for processing on February 17, 2010.
5. The proposed variance application did not require that a Notice of Application be published.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application VAR 10-01 was published on March 19, 2010 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for April 1, 2010.
7. The property and surrounding properties are zoned Agriculture.
8. The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands - 1".
9. The accessory building is an allowed use in the Agriculture Zoning District.
10. Question 7 of the application asks if there are special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevents compliance with the zoning ordinance. The applicant answered "The majority of the property fronts Riverside Drive and is relatively flat where the requested variance applies, while the back of the property slopes and would not comfortably accommodate the shop."
11. Question 8 of the application asks if strict application of the zoning ordinance deprives subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification. The applicant's answer is "He believes that there are incidences where possibly the setback distance has not been met for some nearby properties, but they may have obtained a variance"
12. The applicant has not identified a problem to be addressed by this variance application other than the applicant would not be able to have a larger shop than what he had before.
13. Information presented by the Benton County Public Works Department states that the placement of the structure in the location as shown on the site plan would be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification. The location of the proposed structure could impact the widening of Riverside Drive in the future if additional right of way is needed. Therefore the Public Works Department has recommended that the County should maintain a 40 setback from the centerline of the County Road and grant Mr. Anderson a 15 - foot variance from the required 55 - foot setback.
14. No information has been presented that the placement of the structure in the location as shown on the site plan would adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested. However, the location could impact the widening of Riverside Drive in the future if it is needed.

15. No information has been presented that the placement of the structure in the location as shown on the site plan would deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

DISPOSITION OF THE APPLICANT'S REQUEST:

A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed;

- (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
- (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
- (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
- (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
- (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
- (vii) the variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
- (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

CONCLUSION:

This staff memo does not include information received after the date of this memo or at the open record hearing. Based on the information received as of the date of this memo, the planning staff recommends that the Variance Application VAR 10-01 be denied base on the fact that the there is adequate area on the lot to construct the accessory building without encroaching onto the required setbacks. If the Board of Adjustment decides to approve Variance Application VAR 10-01, the following are suggested conditions recommended by the Planning Department:

1. The Benton Franklin County Health District requires the following: The shop building must meet setback requirements from the existing sewage disposal system and the 100% replacement area. It appears that the replacement area for the septic system is extremely limited in the event of failure. Prior to permitting the new shop, an existing system evaluation shall be preformed to determine that a 100% replacement area is available.
2. The Benton County Public Works Department has recommended denial of reducing the setback to 33 ft, although would allow a reduction to the setback down to 40 feet, granting a 15-foot variance to the normal 55 foot county setback requirement.
3. Condition 1, 4, & 5 imposed by the Board of Adjustment must be met prior to issuance of this variance. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue

the variance permit until those conditions have been met. The variance shall not become effective until issued by the Planning Department.

4. That the applicant obtains a building/placement permit from the Benton County Building Dept. for the building and it complies with all building and fire codes of Benton County.

5. That a Washington State licensed surveyor marks the edge of the existing access easements prior to the submitting of a building permit to the Building Office. The site plan must show the location of the easements and the building.

6. If the conditions of approval have not been met and the Planning Department does not issue the variance within one (1) year from the time the Board of Adjustment conditionally approved the variance, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.

File No. VAR10-01

Date 3-10-10

BENTON COUNTY PLANNING DEPARTMENT
VARIANCE APPLICATION

Exhibit No. 2

Received by CAJ

RECEIVED

FEB 12 2010

Benton County
Planning Department

FILE NO. VAR10-01

- Name and address of applicant: WALT ANDERSON
1414 RIVERSIDE DRIVE WEST RICHLAND WA 99353
Phone number: Home: 509-967-5203 Work: 509-371-8624
- Legal owners name and address: WALTER E. & PATRICIA A. ANDERSON
1414 RIVERSIDE DRIVE WEST RICHLAND WA 99353
Phone number: Home 509-967-5203 Work 509-371-8624
CELL 509-460-2501
- Legal description or Parcel Number of property for which permit is for: _____
1-0598-402-0024-000
- Section of the zoning ordinance under which it is claimed that a variance should be granted. (To be completed by the Planning Department). _____
- A variance is being requested for the purpose of REPLACING AN EXISTING STRUCTURE (SHOP) WITH A NEW LARGER SHOP WITH A SET BACK DISTANCE FROM THE ROAD LESS THAN PERMITTED.
- What is the minimum variance that will alleviate hardship? A SET BACK DISTANCE OF 33 FEET IS BEING REQUESTED. (FROM THE CENTER LINE OF THE ROAD)
- Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building which prevent compliance with the zoning ordinance? If so, explain:
THE MAJORITY OF THE PROPERTY FRONTS RIVERSIDE DR. AND IS REALTIVELY FLAT WHERE THE REQUESTED VARIANCE APPLIES, WHILE THE BACK OF THE PROPERTY SLOPES THAT WOULD NOT COMFORTABLY ACCOMODATE THE SHOP.
- Does strict application of the zoning ordinance deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification? If so, explain:
YES. I BELIEVE THERE ARE INCIDENCES WHERE POSSIBLY THE SET BACK DISTANCE HAS NOT BEEN MET FOR SOME NEARBY PROPERTIES, BUT THEY MAY HAVE OBTAINED A VARIANCE.
- The applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') unless otherwise specifically approved by the Planning Department,

showing the following information.

PLEASE NOTE: See attached "sample" site plan.

- A. Dimensions of the property.
- B. Location and size of the proposed use, complete with distances between buildings and all property lines.
- C. Location and size of existing improvements, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)

10. Zoning classification of property involved: RURAL LANDS I

11. Total acreage - lot size involved: 1.00

COMMENTS OR PERTINENT INFORMATION: THE PLOT PLAN DRAWING IS SHOWN AND DIMENSIONED WITH A SETBACK DIM. OF 35 FEET FROM THE ROAD CENTER-LINE BUT WE ARE REQUESTING A 33 FOOT DISTANCE TO ALLOW SOME TOLERANCE FOR ANY POSSIBLE DISPUTES TO ACTUAL ROAD LOCATION.

I certify that the information given above is true and complete.

Signature Block for individuals only.

Walter E. Anderson
Applicant's Signature

WALTER E. ANDERSON
Print Name

2/11/10
Date

Walter E. Anderson
Signature of Legal Owners

WALTER E. ANDERSON
Print Name

2/11/10
Date

Patricia A. Anderson
Signature of Person with additional ownership interest

PATRICIA A. ANDERSON
Print Name

2/11/10
Date

ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.

If the applicant is a corporation/partnership/LLC etc. please use the following signature block.

Applicant's Name

Print Name & Title

Date

Applicant's Signature: _____
(Signature) (Title)

The above signed officer of _____ warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit _____ (name of entity) to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

NOTE: THE VARIANCE REQUEST FEE OF \$250.00 MUST BE SUBMITTED WITH THE APPLICATION. THIS FEE IS NON-REFUNDABLE. PLEASE MAKE THE CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.

11/13/08

FOR OFFICIAL USE ONLY:

CRITICAL AREA REVIEW COMPLETED
BY Jack ON 2-12-10

APPLICATION APPROVED FOR PROCESSING
BY Jack ON 2-12-10

Zoning AG comp RL1

CHICAGO TITLE INSURANCE COMPANY

File No. VAR10-01
Date 3-10-10
Exhibit No. 3
Received by CR

SCHEDULE A

Policy No.: [REDACTED]
Premium: [REDACTED]

Amount of Liability: [REDACTED]
Effective Date: August 27, 1993 at 10:18 a.m.

1. Name of Insured:

WALTER E. ANDERSON and PATRICIA A. ANDERSON, husband and wife

2. The estate of interest in the land described herein and which is covered by the policy is:

An equitable interest as created by that certain Real Estate Contract;

Dated: August 23, 1993

Recorded: August 27, 1993

Recording No.: [REDACTED]

Vendor: [REDACTED], husband and wife

Vendee: WALTER E. ANDERSON and PATRICIA A. ANDERSON, husband and wife

3. The estate of interest referred to herein is at Date of Policy vested in:

THE NAMED INSURED

4. The land referred to in this Policy is described as follows:

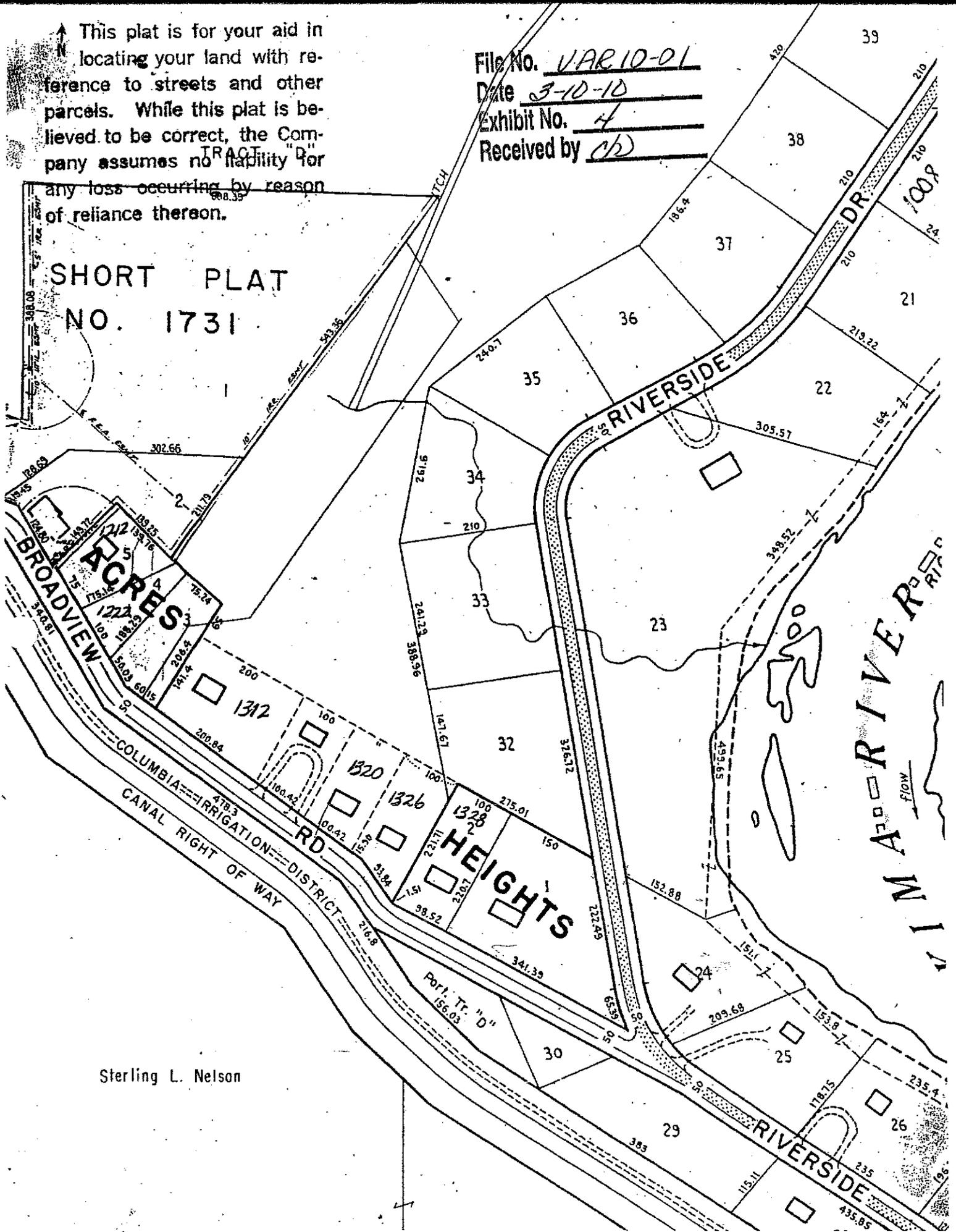
Lot 24 and that portion of Lot 23, described as follows:

Beginning at the Northwesterly corner of said Lot 24; thence Easterly at right angles to the East line of RIVERSIDE DRIVE to the East line of said Lot 23; thence Southerly along said East line of Lot 23 to the Southeast corner of said Lot; thence Westerly and Northwesterly along the Southerly line of said Lot 23 to the Northwest corner of said Lot 24, all in BRIDGE ACRES, according to Plat thereof, recorded in Volume 3 of Plats, page 90, records of said county.

↑ This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon.

File No. VAR 10-01
 Date 3-10-10
 Exhibit No. 4
 Received by CD

SHORT PLAT
 NO. 1731



Sterling L. Nelson

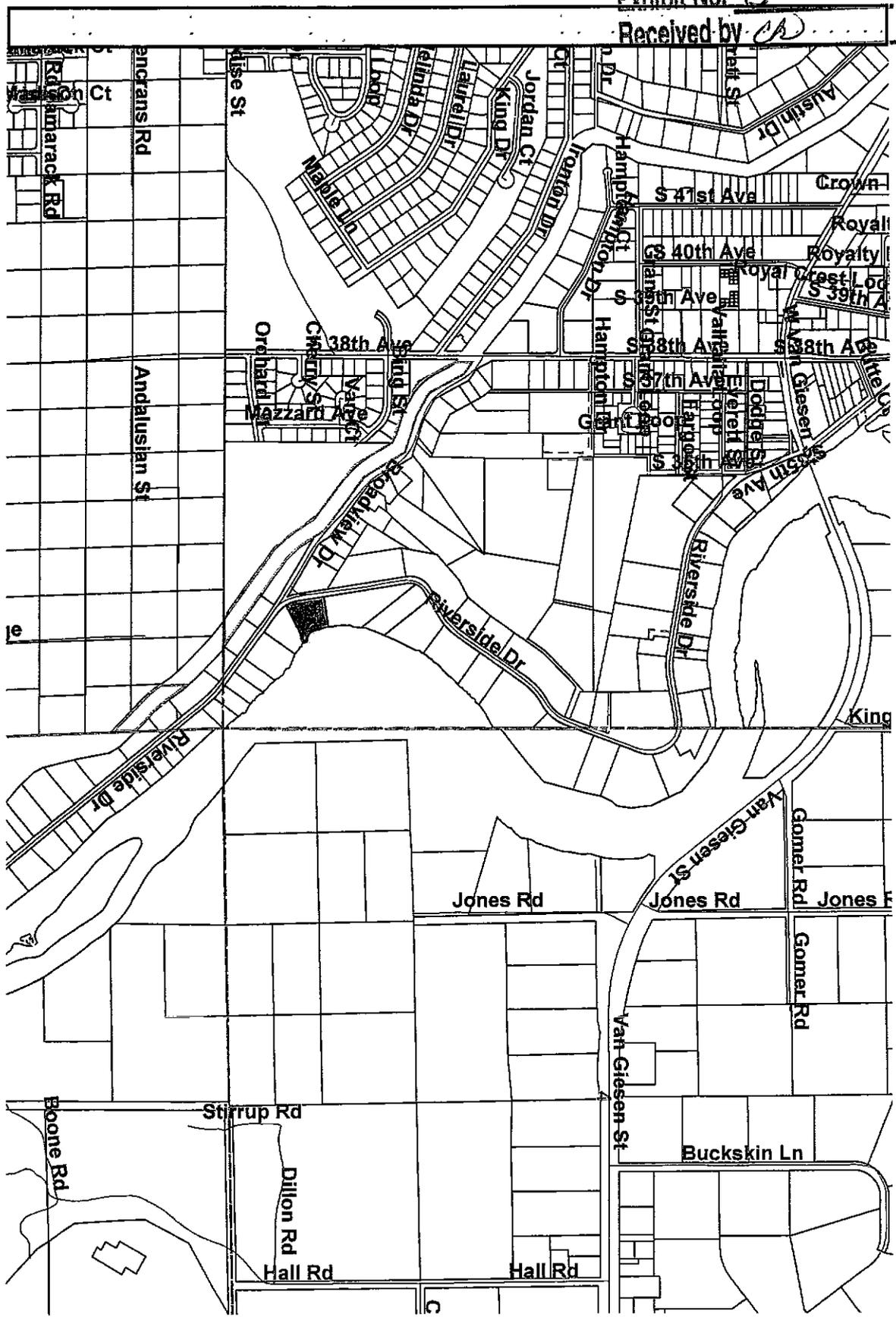
File No. VAR10-01

Date 3-10-10

Exhibit No. 5

Received by CR

*Walt Anderson
1414 Riverside Dr
West Richmond*



PARCEL [REDACTED]

SCALE 1" = 100'
DATE PRINTED 5/27/2003
ORTHO PHOTOS TAKEN 1986

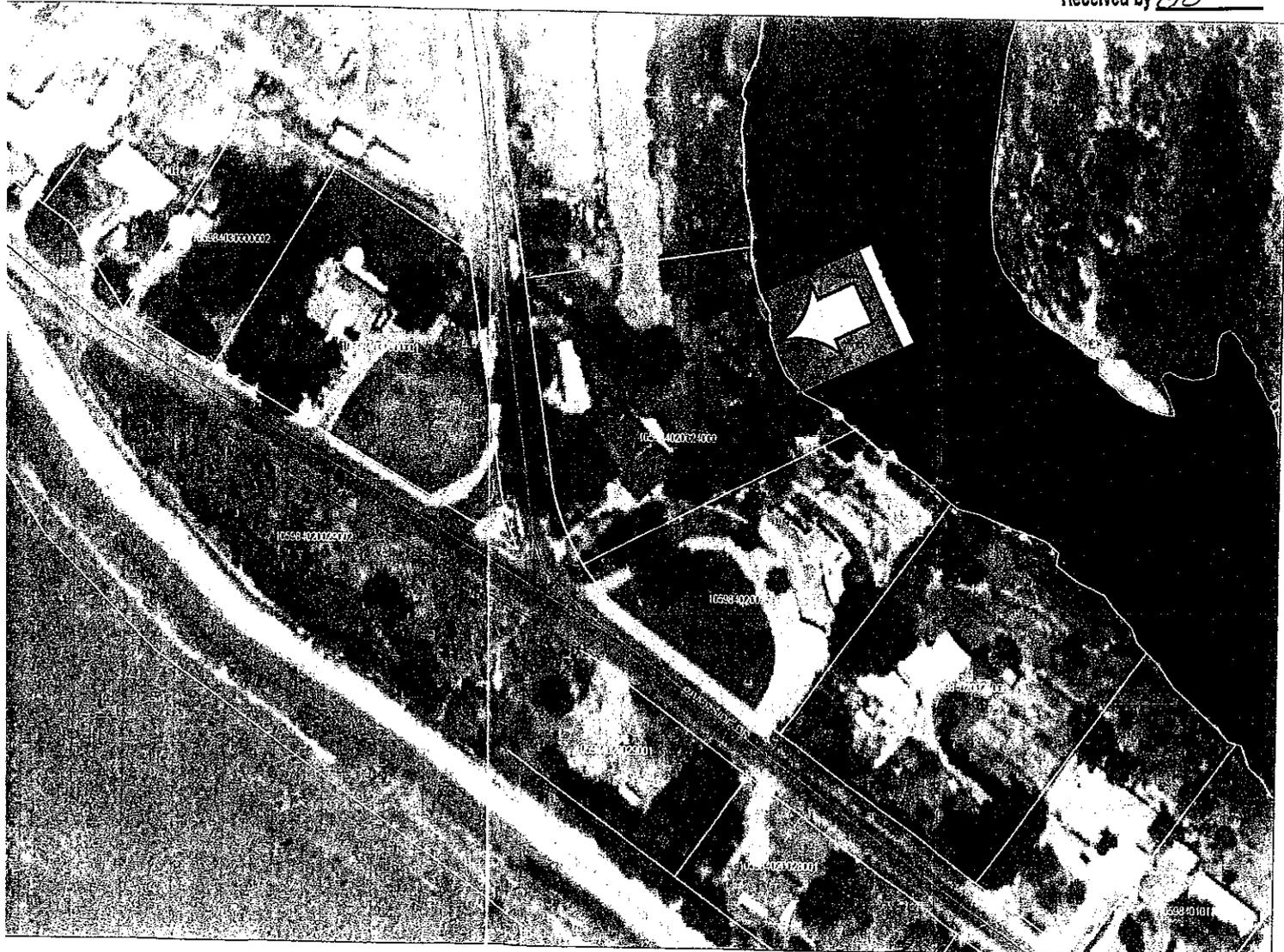
APPLICANT: [REDACTED]
ADDRESS: [REDACTED]
CITY: [REDACTED]
STATE: [REDACTED]
ZIP: [REDACTED]

File No. 08E12-21

Date 3-10-10

Exhibit No. 6

Received by CD

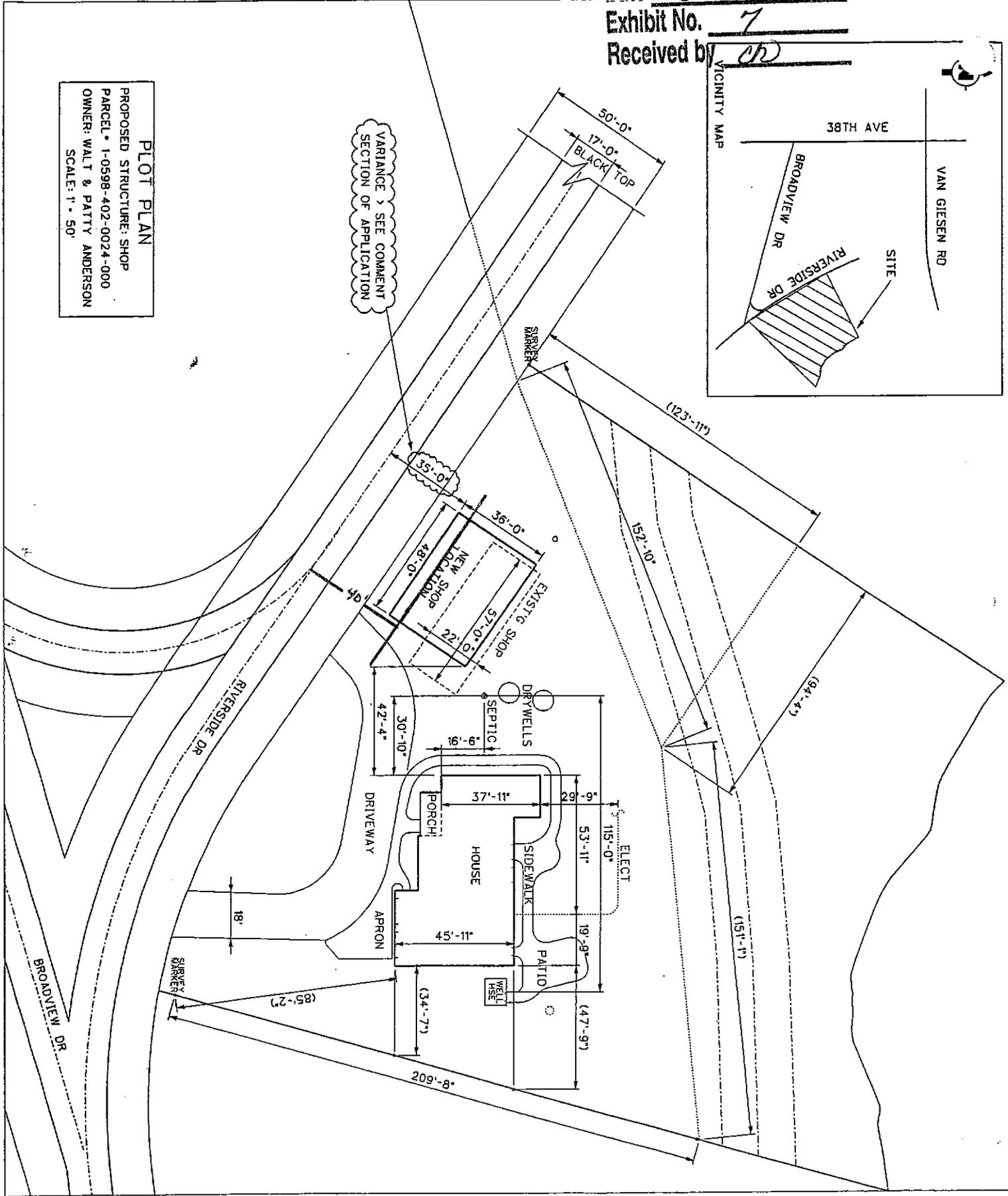
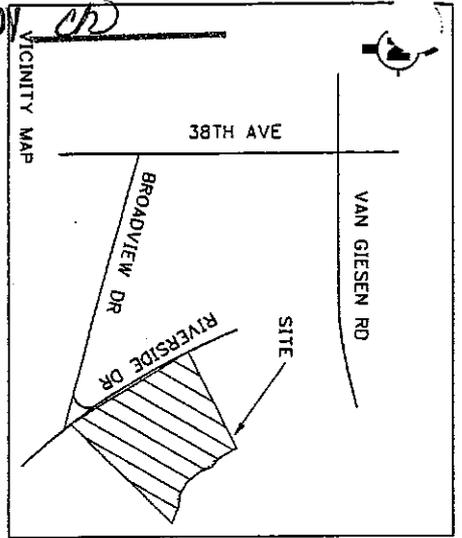


PROPERTY LINES & OF ROADS

File No. UAB10-01
 Date 3-10-10
 Exhibit No. 7
 Received by CD

PLOT PLAN
 PROPOSED STRUCTURE: SHOP
 PARCEL • 1-0598-402-0024-000
 OWNER: WALT & PATTY ANDERSON
 SCALE: 1" = 50'

VARIANCE > SEE COMMENT
 SECTION OF APPLICATION



Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

File No. VAR 10-01
Date 3-10-10
Exhibit No. 8
Received by CA

NOTICE OF OPEN RECORD HEARING

NOTICE IS HEREBY GIVEN that the following application has been proposed to the Benton County Board of Adjustment, Benton County, Washington.

SP 10-02/EA 10-03: dated January 26, 2010 for the construction of mini-storage units to be done in three Phases. Nine enclosed storage buildings ranging in size from 40 feet by 150 feet to 50 feet by 400 feet will house 302 storage units ranging in size from 10 feet by 10 feet to 20 feet by 25 feet will be constructed. Outside storage will consist of two 35 feet by 230 foot areas. The site is located on Lots 1 and 2 of Short Plat 1401 in Section 2, Township 9 North, Range 28 East, W.M. off of Arena Road. Applicant: Kurk Watts – 10612 West Court Street – Pasco, WA 99301.

VAR 10-01 – Variance to BCC 11.16.030(c)(b) for a twenty-two (22) foot reduction from the required fifty-five (55) foot front yard setback from an county road leaving a thirty-three (33) foot setback from the centerline of Riverside Drive, for the construction of a 36-foot by 48-foot accessory building. Location: 1414 Riverside Drive on Lot 24 and a portion of Lot 23 of Bridge Acres Plat in the Southeast Quarter of the Southeast Quarter, in Section 5, Township 9 North, Range 28 East W.M. Applicant: Walt Anderson, 1414 Riverside Drive West Richland, WA 99353

NOTICE IS GIVEN that said application will be considered by the Board of Adjustment of Benton County, Washington at a public hearing on Thursday, April 1, 2010 beginning at the hour of 7 p.m. in the Hearing Room - Benton County Planning Department, 1002 Dudley, Prosser, WA 99350. All concerned persons may appear and present any support for or objections to the application or provide written testimony to the Board of Adjustment in care of the planning department on or before the date of the hearing. More information concerning this action can be obtained by contacting Clark A. Posey, Senior Planner at the Benton County Planning Department, 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Benton County welcomes full participation in public meetings by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or required assistance to comment at this public meeting, please contact the Benton County Planning Department at the above stated phone numbers and/or address at least ten days prior to the date of the meeting to make arrangements for special needs. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department the afternoon of the hearing by 4 p.m. to confirm that the hearing will be conducted as scheduled.

Dated at Prosser, Washington on this 8TH day of March, 2010.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

CLARK A. POSEY – SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Thursday, March 18, 2010

RECEIVED

From: Sue Schuetze
To: Clark Posey
Date: 3/3/2010 3:49 PM
Subject: VAR 10-01 Anderson

MAR - 3 2010

**Benton County
Planning Department**

Not sure if it is too late, but we had no comments on this project

Sue Schuetze, Engineer II
Benton County Public Works
P. O. Box 1001
Prosser, WA 99350
509.786.5611 office
509.786.5627 FAX

File No. VAR 10-01
Date 3-10-10
Exhibit No. 9
Received by CW

RECEIVED

From: Sue Schuetze
To: Clark Posey
CC: Malcolm Bowie; Norm Childress; Steve Becken
Date: 3/3/2010 4:20 PM
Subject: VAR 10-01 Anderson

MAR - 3 2010

**Benton County
Planning Department**

Please remove our previous comments.

There is currently only 25' of R/W on Riverside Drive. If there were future improvements, the right of way would be widened out to 30 feet. This office opposes this variance at 35', but would approve it at 40'.

Thank you.

Sue Schuetze, Engineer II
Benton County Public Works
P. O. Box 1001
Prosser, WA 99350
509.786.5611 office
509.786.5627 FAX

File No. VAR 10-01
Date 3-10-10
Exhibit No. 10
Received by CD

**Benton County Fire Marshal's
Review of Proposed Planning Applications**

RECEIVED

TO: Clark Posey

File No. VAR 10-01

FEB 19 2010

Date 3-10-10

Variance Application 10-01

Exhibit No. 11

Received by CD

**Benton County
Planning Department**

Date Received 2-18-10 Date Returned 10-19-10

Applicants Comments: Walt Anderson, 1414 Riverside Drive West Richland, 967-5203, parcel 1-0598-402-0024-000 proposes to replace their current garage with a new one. To do so requires a 33' set back from the centerline of the road.

Fire Marshal's Comments: Exterior wall fire resistance must meet IBC requirements.

Required:

Must meet IBC requirements.

From: Steve Brown
To: Carel Hiatt
Date: 2/18/2010 3:19 PM
Subject: Re: VAR 10-01 ANDERSON;

File No. VAR 10-01
Date 3-10-10
Exhibit No. 12
Received by LD

Permit req.- SB

>>> Carel Hiatt 2/18/2010 11:24 AM >>>
VAR 10-01 ANDERSON; PLEASE PROVIDE COMMENTS

Carel Hiatt
Office Manager
Benton County Planning Department
P O Box 910
1002 Dudley Avenue
Prosser, WA 99350
Tel: 509-786-5612
Fax: 509-786-5629
Email: carel.hiatt@co.benton.wa.us

RECEIVED

FEB 18 2010

Benton County
Planning Department



File No. VAR 10-01
 Date 3-10-10
 Exhibit No. 13
 Received by CH

RECEIVED

FEB 18 2010

Benton County
Planning Department

February 18, 2010

Clark A. Posey, Senior Planner
 Benton County Planning and Building Department
 P. O. Box 910
 Prosser, WA 99350

RE: Variance Application VAR 10-01 Anderson

Dear Mr. Posey:

This office has reviewed the above referenced proposal and has no objections provided:

- 1) The dwelling is served by a single family well.
- 2) The dwelling is served by an on-site sewage disposal system that is permitted, installed and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.
- 3) The shop building must meet setback requirements from the existing sewage disposal system and 100% replacement area.

NOTE: It appears that replacement area is extremely limited in the event of system failure. Prior to permitting the new shop, an existing system evaluation should be performed to determine that 100% replacement area is available.

If you have any questions, please contact me at the Kennewick Health office, phone (509) 460-4317.

Sincerely,

Jeri L. Randle
 Environmental Health Specialist II

Environmental Health

Community Health Centers

7102 W. Okanogan Place
Kennewick, WA 99336

7102 W. Okanogan Place
Kennewick, WA 99336

412 W. Clark St.
Pasco, WA 99301

310 North Seventh Street
Prosser WA 99350

Planning Department - Variance Request - VAR 10-01 - ANDERSON

From: "Russ Pelleberg" <RPelleberg@columbiairrigation.com>
To: <planning.department@co.benton.wa.us>
Date: 2/26/2010 1:42 PM
Subject: Variance Request - VAR 10-01 - ANDERSON

File No. VAR10-01
Date 3-10-10
Exhibit No. 14
Received by CA

Attn: Clark A. Posey
Senior Planner

Clark,

I have reviewed the above referenced variance. Relocation of the proposed shop 2 feet closer to the centerline of the existing roadway will not affect any of the Columbia Irrigation Districts lines/utilities.

Please feel free to call me if you need any other information.

Thank you,

Russell W. Pelleberg
Assistant Manager
Columbia Irrigation District
509-586-6118

Fax 509 586 0485

RECEIVED

FEB 26 2010

**Benton County
Planning Department**

VAR 10-01 Walt Anderson

File No. VAR10-01

Date 3-10-10

Exhibit No. 15

Received by OK







BENTON COUNTY
PLANNING
DEPARTMENT

VAR 10-01

SECTION 5 TOWNSHIP 9 NORTH, RANGE 28 EAST
VAR 10-01
WALT ANDERSON
PRINTED 03/24/10



Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown herein or for any inferences made therefrom. Any use made of this information is solely at the risk of the user. Benton County makes no warranties, expressed or implied, and any oral or written statement by any employee of Benton County or agents thereof to the contrary. This information is a preliminary product of the Benton County Geographic Information Systems, and is prepared for presentation purposes only.



Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user. Benton County makes no warranties, expressed or implied, and any oral or written statement by any employee of Benton County or agents thereof to the contrary is void and ultra vires. The information shown herein is a preliminary product of the Benton County Geographic Information Systems, and is prepared for presentation purposes only.

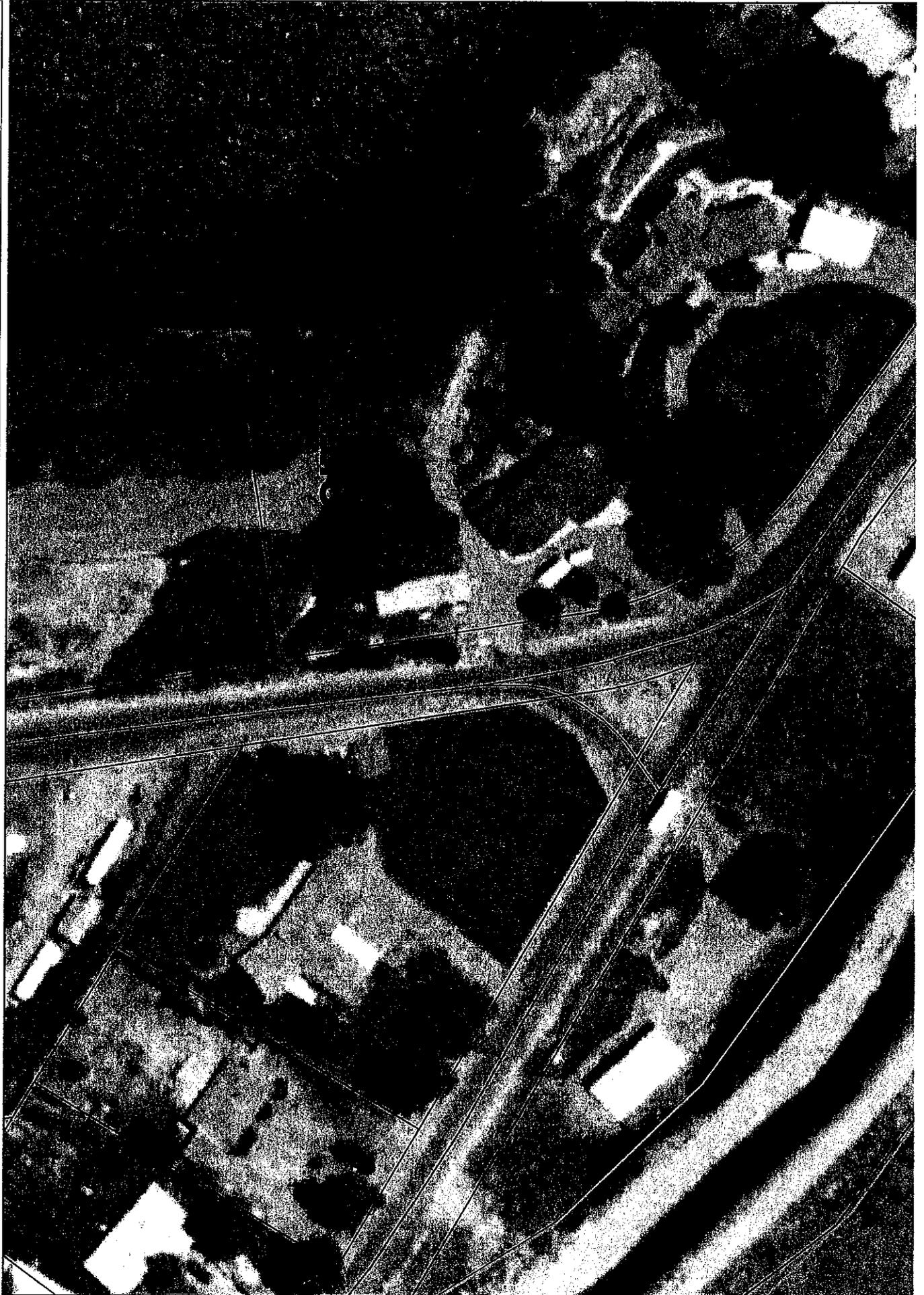
SECTION 5 TOWNSHIP 9 NORTH, RANGE 28 EAST

VAR 10-01

WALT ANDERSON

PRINTED 03/24/10

BENTON COUNTY
PLANNING
DEPARTMENT



SPECIAL USE

PERMIT

SP 10-02

APPLICANT

KURK WATTS

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

MEMO DATE: MARCH 24, 2010

MEETING DATE: APRIL 1, 2010

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: SPECIAL PERMIT APPLICATION – SP 10-02 / EA 10-03

APPLICANT: KURK WATTS 10612 WEST COURT ST. PASCO, WA 99301

PROPERTY OWNERS: GOOSE GAP PARTNERSHIP 247810 HOVER ROAD
KENNEWICK, WA 99337

File No. 1
Date 3-24-2010
Exhibit No. 1
Received by CD

SPECIFIC REQUEST: Construction and operation of a mini-storage facility with outside storage. The site is a 6.03 - acre parcel located at the Southeast corner of Dallas and Arena Roads

EXHIBITS:

- Exhibit No. 1: Staff Report dated March 24, 2010
- Exhibit No. 2: SP 10-02 Application.
- Exhibit No. 3: Site plan for 10-02
- Exhibit No. 4: Vicinity Map
- Exhibit No. 5: SEPA Checklist
- Exhibit No. 6: Notice of Application published February 4, 2010
- Exhibit No. 7: Notice of Open Record Hearing published March 18, 2010
- Exhibit No. 8: MDNS issued on March 3, 2010
- Exhibit No. 9: SEPA Checklist, Published – March 3, 2010
- Exhibit No. 10 Benton County Public Works comments – February 11, 2010.
- Exhibit No. 11 Benton-Franklin Health District comments - January 29, 2010.
- Exhibit No. 12 Benton County Fire Marshal's comments – January 29, 2010
- Exhibit No. 13: Benton County Fire Marshal's comments - February 5, 2010
- Exhibit No. 14: Benton County Fire Marshal's comments - March 15, 2010
- Exhibit No. 15 Benton County Building Office comments - January 29, 2010
- Exhibit No. 16: City of Richland Planning Dept comments - February 10, 2010.
- Exhibit No. 17: City of West Richland comments - February 23, 2010 RE: Lighting
- Exhibit No. 18: City of West Richland Civil and Utility Engineering – March 3, 2010
- Exhibit No. 19: City of West Richland – Aaron Lambert – dated March 24, 2010
- Exhibit No. 20: Department of Ecology comments - February 12, 2010
- Exhibit No. 21: Dept. of Natural Resources comments – February 1, 2010
- Exhibit No. 22: BCC 11.16 – Agricultural District
- Exhibit No. 23: Staff photos taken - February 11, 2010
- Exhibit No. 24: Aerial Photo of the site taken in 2008.

BACKGROUND:

Site Location: The site is located at the Southeast corner of Dallas and Arena Roads in Kennewick, WA 99337 in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 20, Township 9 North, Range 28 East, W.M.

Land Use: The site is currently undeveloped.

Zoning: The site and properties South, East, and West are zoned Agriculture, with the area North of the subject property being West Richland City Limits. A parcel located directly northeast of this site is zoned commercial

Comprehensive Plan: The Benton County Comprehensive Plan designated the site as "Urban Growth Area".

State Environmental Policy Act: A MDNS was issued on March 3, 2010.

APPLICABLE DEVELOPMENT REGULATIONS

Agriculture District 11.16.010 PERMISSIBLE USE OF BUILDINGS. In the agricultural district, no building or premises shall be used nor shall any building or structure hereafter be erected or altered unless otherwise provided in this title, except for one or more of the following uses:

(a) Any use permitted in the residential district.

Any of the following uses may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090: (6)

(6) Rental storage facilities such as mini warehouses; provided, that all objects stored shall be within fully enclosed and covered structures that meet the standards of the International Building Code. The Board of Adjustment may approve outside storage of recreational vehicles in an area that does not exceed thirty (30) percent of the total site area of the property on which the mini warehouses will be located. Further provided, that no retail or wholesale commercial activities shall be conducted wholly or partially on the site.

Benton County Code Section 11.52.090(a) states:

"Conditional Use/Special Permit General Standards. The conditional use/special permit application process allows the Board of Adjustment to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Board of Adjustment to ensure development in each zoning district protects the integrity of that district. The notice, hearing, decision and enforcement procedures are as set forth herein and in BCC 11.52.089.

Certain uses are classified as conditional uses/special uses because of their unusual nature, infrequent occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure or adjacent properties, and/or possible safety hazards and other similar reasons.

Once granted, a conditional use/special permit may be transferred by a holder thereof after written notice to the Board of Adjustment; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in BCC 11.52.070.”

Benton County Code Section 11.52.090(d) states:

“Conditional Use/Special Permit—Permit Granted or Denied. A conditional use/special permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment to conclude that, as conditioned, the proposed use:

(1) 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;

(2) 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;

(3) 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;

(4) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;

(5) 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; and

If reasonable conditions cannot be imposed so as to allow the Board of Adjustment to make the conclusions required above, the conditional use/special permit application shall be denied.”

FINDINGS OF FACT:

Based on the application and information received the planning staff makes the following findings.

1. Applicant: Kurk Watts – 10612 West Court Street – Paso, WA 99301
2. The applicant is requesting a special use permit for the construction and operation of a mini-storage facility with outside storage.. The site is a 6.03 - acre parcel located at the Southeast corner of Dallas and Arena Roads
3. The application for SP 10-02 was submitted to the Benton County Planning Department on December 31, 2009 returned incomplete on January 4, 2010 resubmitted on January

22, 2010 and deemed complete on January 26, 2010.

4. The notice for the Benton County Board of Adjustment Open Record Hearing for application SP 10-02 was published on March 19, 2010 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for April 1, 2010.
5. Special Permit Application SP 10-02 was reviewed under the requirements of the Washington State Environmental Policy Act. A Mitigated Determination of Non-Significance (DNS) was issued on March 3, 2010, in relation to the environmental impacts of the proposed facility.
6. The site is currently undeveloped ground with sagebrush covering the property.
7. The Benton County Comprehensive Plan designated the site and surrounding areas as "Urban Growth Area". The site is currently undeveloped containing two bare lots. The site and surrounding properties are zoned Aquiculture and the area North of the subject property is located within the city limits.
8. The Benton-Franklin Health District has commented that the activity must be served by an approved public water supply in accordance with WAC 246-291 and the facility is served by an on-site sewage disposal system, and meet minimum land area requirements as specified by the Benton-Franklin Health District.
9. The Benton County Fire Marshal's comments including fire hydrant locates are noted in Exhibit No. 12 dated January 29, 2010.
10. Benton County Building Department will require building permits for any new construction of buildings that may be proposed.
11. The applicant has requested established hours of operation. No activity should take place before 6:00 a.m. or after 9:30 p.m. seven days a week.
12. The Special Permit application did mention the use of outdoor lighting, any outdoor lighting associated with the proposed special permit should be deflected downward to avoid unnecessary glare on neighboring parcels.
13. The applicant will need to abide by the lighting requirements as noted in the City of West Richland's comments – Exhibit No. 17
14. The applicant will need to abide by the City of West Richland's mitigation measures with regards to Arena Road as noted in Exhibit No. 18.
15. The Benton County Public Work's Department will require that the applicant obtain an encroachment permit.
16. The applicant noted that he would like to obtain the City of Richland's water to the site. The City stated that the nearest water main is approximately 400 feet from the project site. Extension of a water main to serve this project is possible but will require approval from the Richland City Council since this site is located outside of the City of Richland's

corporate limits.

DISPOSITION OF THE APPLICANT'S REQUEST

A conditional use/special permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment to conclude that, as conditioned, the proposed use:

- (1) 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;
- (2) 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;
- (3) 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;
- (4) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;
- (5) 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; and

CONDITIONS OF APPROVAL

If the Board of Adjustment decides to approve Special Permit Application 10-02, based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department recommends that the following conditions be included:

1. Applicant shall not conduct any of the activities within the scope of Special Permit 10-02 until the applicant is in compliance with all conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the special permit until those conditions have been met. The special permit shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the special permit within one (1) year from the time the Board of Adjustment conditionally approved the special permit, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.
3. That the applicant provides written verification from the Benton Franklin Health District to

the Benton County Planning Department that the applicant has complied with the Health District's requirements as outlined in their letter dated January 29, 2010. The applicant shall continue to meet all such requirements while Special Permit SP 10-02 is in effect.

4. Approval from the City of Richland to extend the water main approximately 400 feet to the project site will be required. Extension of a water main to serve this project is possible but will require approval from the Richland City Council since this site is located outside of the Richland corporate limits, but within their Urban Growth Area:
5. The Southern Half of Arena Road is a County Road. The applicant will be required to apply for a Road Encroachment Permit from the Benton County Public Works Department. The approach will need to be built to the Benton County 96-05 Commercial Standard.
6. Stormwater runoff from the project is to be controlled on site. Requirements of the Benton County Hydrology Manual are to be met. This information must be submitted to the Benton County Public Works for review prior to construction.
7. Applicant must direct security lighting in a downward direction and contain light "spillage" to restrict glare onto adjacent residential properties per the City of West Richland's requirements.
8. That the applicant constructs an 8 ft concrete block fence between the applicant's facility and the residential district as a barrier separating the two different activities, as proposed on the applicant's site plan. A cyclone fence with slats will be allowed around the remainder of the property.
9. That the presence of customers/clients and non-resident employees at the activity shall be limited to the hours between 6:00 a.m. to 9:30 p.m. as stated in the application. The applicant shall continue to meet all such requirements while Special Permit SP 10-02 is in effect.
10. That any waste created as a result of the special permit must be disposed of off-site in compliance with all local, state and/or federal regulations.
11. That any additional activity not listed or related to this special permit, is not permitted. No individual business activity will be permitted or allowed within any individual storage unit. The applicant shall continue to meet all such requirements while Special Permit SP 10-02 is in effect.
12. That the applicant satisfy the requirements imposed by the City of West Richland with regards to construction and improvements to Arena Road.
13. That 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 District Health Department, Benton County Public Works Department, Washington State Department of Ecology and all other local, state and federal regulations pertinent to the special permit pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption

from such regulations. The applicant shall continue to meet all such requirements while Special Permit SP 10-02 is in effect.

RECEIVED

JAN 22 2010

BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE/SPECIAL PERMIT APPLICATION
FILE NO. SP10LEA10-03

RECEIVED
DEC 30 2009
BENTON COUNTY
BUILDING DEPT.

Benton County
Planning Department

1. Applicant Name: Mark Watta 27950
Applicant Address: 10612 WEST COURT STREET
PASCO, WA 99301
Telephone number: Home (509) 543-9499 Work (509) 521-5704

RECEIVED
DEC 31 2009
Benton County
Planning Department

2. Legal owners name: Mark E. Watta Goose Gap limited
Legal Owners address: SAME 247810 E Hover Rd Partnership
Kennewick WA 99337
Telephone number: Home _____ Work _____

3. Parcel Number or Legal description of property for which permit is for: #120982011401001
#120982011401002

4. If you are amending a previous conditional use/special use permit - please list the file number(s):
N/A

5. The Conditional Use/Special Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.** The purpose of this special use permit is to allow the construction and operation of a mini-storage facility with outside storage as well as inside storage.

6. The property will be served by:
WATER: Well _____ Private System _____ City System _____
SEWER: Septic Tank _____ City Sewer _____
POWER: PUD _____ REA _____ **File No.** SP10-02
PHONE: Yes _____ No _____ Name of Utility _____ **Date** 3-24-10
GAS: Yes _____ No _____ Name of Utility _____ **Exhibit No.** 2
CABLE: Yes _____ No _____ Name of Utility _____ **Received by** W
IRRIGATION: Yes _____ No _____
PRIVATE IRR. Yes _____ No _____

7. Total acres of property: 6.03 Zoning Classification of Property: County ag
Comprehensive Plan Designation City of Richland

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: Temporary irrigation pond that will be transferred to an LID for maintenance free irrigation.

9. Describe existing structures and present land uses in the surrounding area of your property: _____

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**
- a. Is there a residence on site? Yes _____ No
 - b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes _____ No
 - c. Does at least one of the proprietors live in said residence? Yes _____ No
 - d. List the number of non-resident employees. 0
 - e. What is the **total** square footage of the detached building to be used for the business? _____
 - f. What is the **total** square footage that will be used for the business activity? all sit across in 3 phases.
 - g. Is only one detached building to be used for the business activity? Yes _____ No
 - h. Are any signs going to be used with the business activity? Yes No _____
- If Yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used.

- f. What is the **total** square footage that will be used for the business activity? _____
- g. Is only one detached building to be used for the business activity? Yes _____ No _____
- h. Are any signs going to be used with the business activity? Yes _____ No _____
If Yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used.
- I. State the number of vehicles marked to identify the business to be stored on site. _____
- j. List the number of off street parking spots _____
- k. What County Road does the site access off of? _____
- L. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week _____ Hours of Operation _____

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.
- A. Dimensions of the property.
 - B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
 - C. Location and size of existing structures, complete with distances, buildings and all property lines.
 - D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
 - E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

certify that the information given above is true and complete.

Signature Block for individuals only.

<u>Mark E. Watts</u> Applicant's Signature	<u>MARK E. WATTS</u> Print Name	<u>1-15-10</u> Date
<u>X Wayne H. Smith</u> Signature of Legal Owners	<u>WAYNE H. SMITH</u> Print Name	<u>1-13-10</u> Date
<u>Bill R. Bretz</u> Signature of Person with additional ownership interest	<u>BILL R. BRETZ</u> Print Name	<u>1-13-10</u> Date

ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.

If the applicant is a corporation/partnership/LLC etc. please use the following signature block.

Seller: X Wayne H. Smith
Applicant: _____

RECEIVED

JAN 22 2010

Benton County
Planning Department

- One or two signs not yet decided on height or size*
- I. State the number of vehicles marked to identify the business to be stored on site? *approximately 30% of the property will be used for vehicles + RV'S*
- J. List the number of off-street parking spots *approximately 2 of the 6 acres for parking*
- K. What County Road does the site access off of? *Dallas & Grand Rd.*
- L. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week *6:00AM-9:30PM - seven days a week* 15½ Hours of Operation *Seven days a week*

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.
- A. Dimensions of the property.
 - B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
 - C. Location and size of existing structures, complete with distances, buildings and all property lines.
 - D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
 - E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

I certify that the information given above is true and complete to the best of my knowledge.

Kirk E. Watts
Applicant's Signature

KIRK E. WATTS
Print Name

12-28-09
Date

Wayne H. Smith Gen Part
Signature of Legal Owners

WAYNE H. SMITH
Print Name

12-9-09
Date

Signature of Person with additional ownership interest

Print Name

Date

RECEIVED

JAN 22 2010

Signature of Person with additional ownership interest

Print Name

Date

Benton County
Planning Department

(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

NOTE: THE CONDITIONAL USE/SPECIAL PERMIT APPLICATION FEE OF \$250.00 and THE \$100.00 APPLICANT FEE FOR THE SEPA CHECKLIST, IF REQUIRED, MUST BE SUBMITTED WITH THE APPLICATION. THESE FEES ARE NON-REFUNDABLE. PLEASE MAKE YOUR CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.

4/8/08

By: Wayne H. Smith General Partner
(print name) (Title)

Signature: Wayne H. Smith General Partner
(Signature) (Title)

247810 E Hoover
99337
KEVIN WASH

The above signed officer of Goose Gap Ltd warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit KUK WATTS (name of entity) to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

NOTE: THE CONDITIONAL USE/SPECIAL PERMIT APPLICATION FEE OF \$250.00 and THE \$100.00 APPLICANT FEE FOR THE SEPA CHECKLIST, IF REQUIRED, MUST BE SUBMITTED WITH THE APPLICATION. THESE FEES ARE NON-REFUNDABLE. PLEASE MAKE YOUR CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.

3/13/09

RECEIVED

JAN 22 2010

Benton County
Planning Department

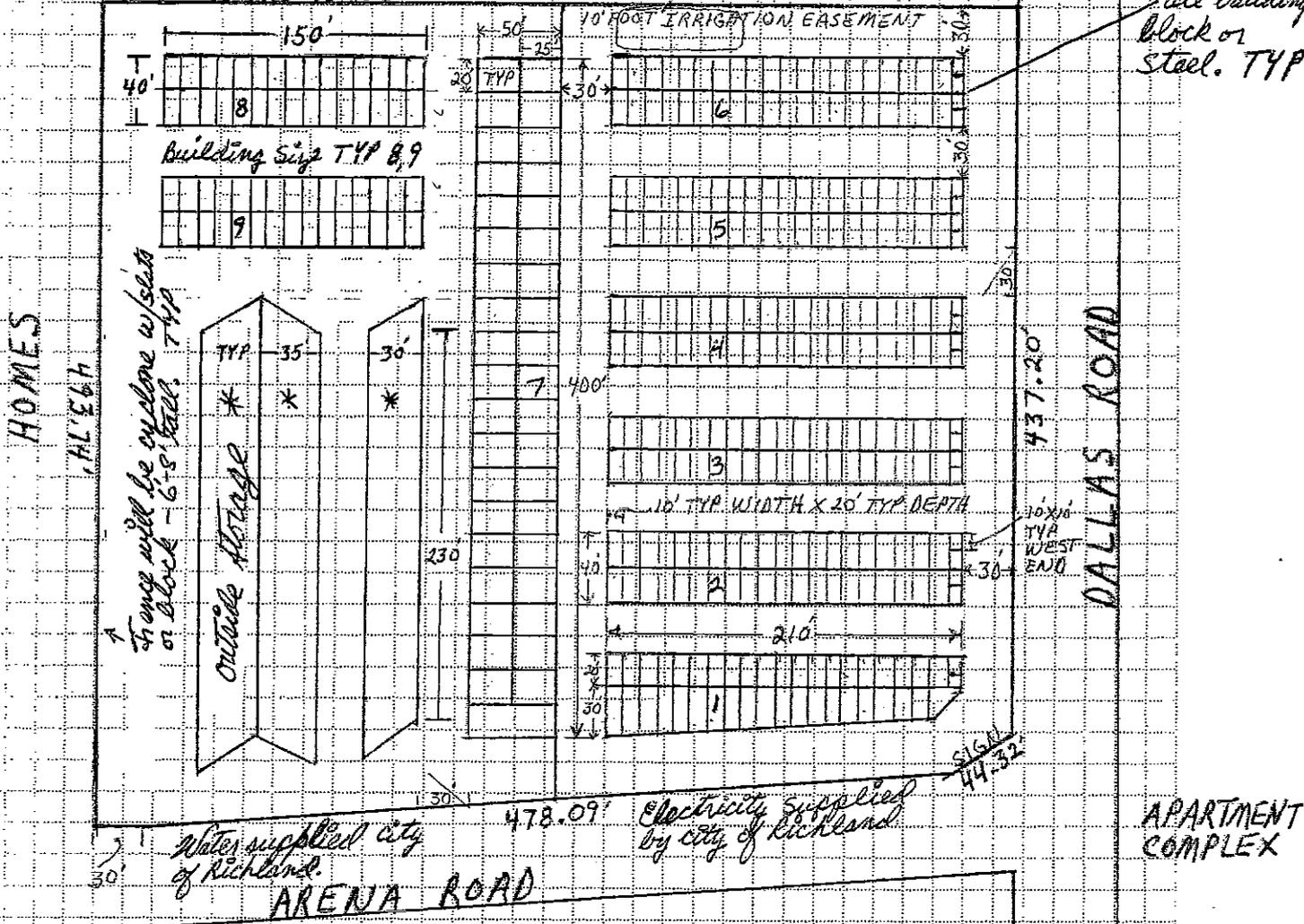
FOR OFFICIAL USE ONLY:
CRITICAL AREA REVIEW COMPLETED
BY Clark ON 1-25-10
APPLICATION APPROVED FOR PROCESSING
BY Clark ON 1-26-10
Zoning AG complan UGA

SITE PLAN FOR Kirk E. Watts at (Watts & Sons) RECEIVED
 Scale 1" = 50' or 1" = 100' File No. SP10-02
 Please specify Date 3-24-10 PLEASE INDICATE NORTH RECEIVED DEC 31 2009

of units
 1. 22 10'x10'
 2. 220 10'x20'
 3. 40 20'x25'
 4. 20 10'x20'-10'x30'

Exhibit No. 3
 Received by CR
 SOUTH

JAN 22 2010 Benton County Planning Department
 Benton County Planning Department
 IRRIGATION WILL VACATE WITH LID
 547.44'



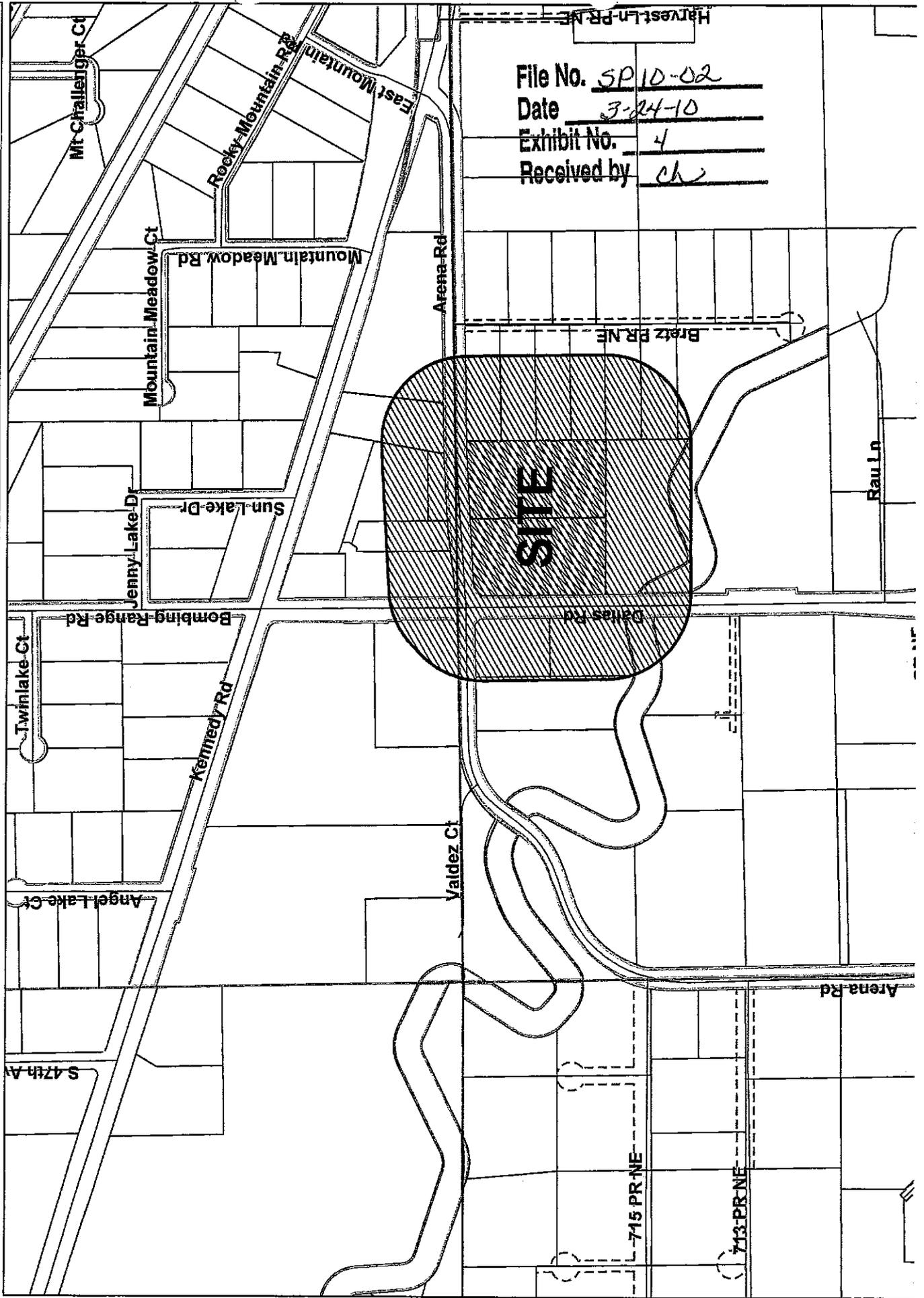
Notes:
 1. 30' setbacks from the property line to all buildings and 30' between buildings
 2. Lot will be all gravel except for paved entries (for drainage)
 3. No office onsite - by appointment only

RETAIL MALL GAS STATION
 NORTH

APARTMENT COMPLEX
 RETAIL MALL

1, 2, 3 buildings in phase 1 - (upon approval)
 4, 5, 6 " " phase 2 - (phases every two years)
 7, 8, 9 " " phase 3 - (as units fill up.)

Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user. Benton County makes no warranty, expressed or implied, and any oral or written statement by any employee of Benton County or agents thereof to the contrary is void and ultra vires. The information shown herein is a preliminary product of the Benton County Geographic Information Systems, and is prepared for presentation purposes only.



File No. SP10-02
Date 3-24-10
Exhibit No. 4
Received by ch

JAN 22 2010

File No. SP 10-02
Date 3-24-10
Exhibit No. 5
ENVIRONMENTAL CHECKLIST
Received by [Signature]

RECEIVED

DEC 31 2009

RECEIVED

EA 10-03

Benton County
Planning Department

A. BACKGROUND

1. Name of proposed project, if applicable:

Watts & Sons Inside and Outside Storage

2. Name of applicant:

Kirk Watts

3. Address and phone number of applicant and contact person:

10612 West Court Street, Pasco, WA, 99301 (509)521-5904

4. Date checklist prepared:

11/28/09

5. Agency requesting checklist:

Benton County Planning Department

6. Proposed timing or schedule (including phasing, if applicable):

Upon issuing of the special use permit the project will be completed in 3 phases

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

yes,

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

Irrigation pond.

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.

No.

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

No.

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.)

6.03 acres. To be used as inside + outside storage.

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 six acre parcel is on the corner of Dallas and Arena road.

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

b. What is the steepest slope on the site (approximate percent slope)?

flat.

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 prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

NO!

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

NONE.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

NO, I will gravel the site after leveling it to grade.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

*27%
Building Coverage 27%
2*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

as stated I will gravel the site for erosion control.

2. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if know.

Minor dust until site is graveled. The site will be graveled upon completion of grading

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

NO.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. **Water**

a. **Surface:**

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.

Temporary irrigation pond.

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.

Existing property will be graded to edge of temporary irrigation pond.

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.

N/A.

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

NO.

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

NO.

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

NO.

b. Ground:

1) Will ground water be withdrawn, or will water be discharge to ground water? Give general description, purpose, and approximate quantities if know.

NO.

2) Describe waster 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.

NONE.

- c. Water Runoff (including storm water):

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.

N/A WATER RUNOFF
TO STAY ON SITE

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

NO.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: will be addressed as needed.

4. Plants

a. Circle 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; wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other; water plants: water lily, eelgrass, milfoil, other; other types of vegetation. Tumbleweeds, cheatgrass, & a couple of trees.

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

All the ~~ground~~ vegetation. The site will eventually be covered in gravel.

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

NONE

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

N/A

2/23/10

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: birds: hawk, heron, eagle, songbirds, other:

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

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

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

NONE

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

NO

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

NONE.

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.

just basic power needs.

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

NO.

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

Possible use of solar lighting.

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.

NO.

1) Describe special emergency services that might be required.

N/A.

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

N/A.

b. **Noise**

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

Slight traffic noise. This noise will not affect me at all.

2) What types and levels of noise would be created by or associate 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.

Slight traffic noise. The hours of 6:00AM-9:30PM may have a slightly ~~higher~~ higher noise impact.

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

I honestly don't believe there would be a noticeable change

8. **Land and Shoreline Use**

a. What is the current use of the site and adjacent properties?

The current site is vacant land and the surrounding properties are residential housing + light commercial, gas station.

b. Has the site been used for agriculture? If so, describe. *mell, etc.*

Not that I know of.

c. Describe any structures on the site.

No.

d. Will any structures be demolished? If so, what?

No.

-e. What is the current zoning classification of the site?

AG

f. What is the current comprehensive plan designation for the site?

City of Richland. UGA

g. If applicable, what is the current shoreline master program designation of the site?

N/A.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

NONE, People are met by appointment.

j. Approximately how many people would the completed project displace?

NONE.

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposal should satisfy a need with the upcoming apartments & new houses in that area.

9. **Housing**

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

N/A.

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

N/A

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

N/A.

10. **Aesthetics**

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

20' 14' 3x12 pilings

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

2/23/10 cpr

No views would be impacted by the construction of this facility.

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

The facilities will be well built and be aesthetically pleasing.

11. **Lights and Glare**

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

The lighting will occur in the evening hours for security and safety of the warehouse storage facility.

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

views? *No.*

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

NONE.

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

Lights will be pointed toward the storage compound and are activated with Dusk to Dawn switches.

12. Recreation

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

Sombying Range road sports field.

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

NO.

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

NONE

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

NO.

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

NO.

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

NO.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plan, if any.

Dallas and Arena rd.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

NOT Sure.

c. How many parking spaces would the completed project have? How many would the project eliminate? *@60 out door uncovered parking*

*2/23/10
clak*

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

No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.

I would estimate a peak of 50 during the course of a day when the storage is at peak capacity. The time

g. Proposed measures to reduce or control transportation impacts, if any: *would be 6:00 AM to 9:00 AM.*

Setting up appointments at certain times during the day.

15. Public Services

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

Possible fire and police protection, even though a new security system will be put in place.

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

The measure that would be used to reduce the impacts on public services would be a new security system.

16. Utilities

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

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.

*Potable water - city of richland.
Power - city of richland.
Irrigation - Kennewick irrigation district.*

ESA LISTED SALMONIDS CHECKLIST

The Listed Salmonids Checklist is provided in order that the county may initially identify a project's potential impacts (if any) on salmonids that have been listed as "threatened" or "endangered" under the Federal Endangered Species Act (ESA). A salmonid is any fish species that spends part of its life cycle in the ocean and returns to fresh water. Potential project impacts that may result in a "taking" of listed salmonids must be avoided, or mitigated to insignificant levels. Generally, under ESA, a "taking" is broadly defined as any action that causes the death of, or harm to, the listed species. Such actions include those that affect the environment in ways that interfere with or reduce the level of reproduction of the species.

If ESA listed species are present or ever were present in the watershed where your project will be located, your project has the potential for affecting them, and you need to comply with the ESA. The questions in this section will help determine if the ESA listing will impact your project. The Fish Program Manager at the appropriate Department of Fish and Wildlife (DFW) regional office can provide information for the following two questions. Please contact the Dept. of Fish and Wildlife at 1701 S. 24th, Yakima WA 98902-5720, Phone No. 509-575-2740.

1. Are ESA listed salmonids currently present in the watershed in which your project will be? YES ___ NO ✓
Please Describe.

2. Has there ever been an ESA listed salmonid stock present in this watershed? YES ___ NO ✓
Please Describe.

If you answered "yes" to either of the above questions, you should complete the remainder of this checklist.

PROJECT SPECIFIC: The questions in this section are specific to the project and vicinity.

A1. Name of watershed _____

A2. Name of nearest waterbody _____

A3. What is the distance from this project to the nearest body of water? _____

Often a buffer between the project and a stream can reduce the chance of a negative impact to fish.

A4. What is the current land use between the project and the potentially affected water body (parking lots, farmland, etc.)

A5. Is the project above a:

Natural permanent barrier (waterfall)	YES ___	NO ___
Natural temporary barrier (beaver pond)	YES ___	NO ___
Man-made barrier (culvert, dam)	YES ___	NO ___

Other (explain)

A6 If yes, are there any resident salmonid populations above the blockage? YES _____
NO _____ Don't Know _____

A7. What percentage of the project will be impervious surface (including pavement & roof area)?

FISH MIGRATION: The following questions will help determine if this project could interfere with migration of adult and juvenile fish. Both increases and decreases in water flows can affect fish migration.

B1. Does the project require the withdrawal of

- a. Surface water? Yes _____ No _____
Amount _____
Name of surface water body _____
- b. Ground water? Yes _____ No _____
Amount _____
From Where _____
Depth of well _____

B2. Will any water be rerouted? YES _____ NO _____
If yes, will this require a channel change?

B3. Will there be retention 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.

B4. Will this project require the building of new roads? Increased road mileage may affect the timing of water reaching a stream and may, thus, impact fish habitat.

B5. Are culverts proposed as part of this project?
Yes _____ No _____

B6. Will topography changes affect the duration/direction of runoff flows?
Yes _____ No _____

If yes describe the changes.

B7. Will the project involve any reduction of the floodway or floodplain by filling or other partial blockage of flows? Yes _____ No _____

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

WATER QUALITY: The following questions will help determine if this project could adversely impact water quality. Such impacts can cause problems for listed species. Water quality can be made worse by runoff from impervious surfaces, altering water temperature, discharging contaminants, etc.

C1. Do you know of any problems with water quality in any of the streams within this watershed? YES _____ NO _____

If yes please describe.

C2. Will your project either reduce or increase shade along or over a waterbody? YES _____ NO _____ Removal of shading vegetation or the building of structures such as docks or floats often result in a change in shade.

C3. 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 _____

C4. Will turbidity be increased because of construction of the project or during operation of the project? In-water or near water work will often increase turbidity. YES _____ NO _____

C5. Will your project require long term maintenance, i.e., bridge cleaning, highway salting, chemical sprays for vegetation management, clearing of parking lots? YES _____ NO _____

Please Describe.

Vegetation: The following questions are designed to determine if the project will affect riparian vegetation, thereby, adversely impacting salmon.

D1. 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.

D2. If any vegetation is removed, do you plan to re-plant? YES _____ NO _____
If yes, what types of plants will you use?

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: Kirk E. Watts

Print Name- KIRK E. WATTS

Date Submitted: 12/28/09

C. SUPPLEMENTAL SHEET FOR NON PROJECT ACTIONS
(do not 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?

The lot will be covered in gravel and the only water discharged would come from the natural weather patterns off of the inside storage facilities.

Proposed measures to avoid or reduce such increases are:

Leaving the main lot graveled.

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

The ground cover is made up of low lying weeds and cheat grass. I see no effect on the listed items.

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

I would propose to keep the lot weed free so as not to have a fire hazard and eye sore.

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

Mini Storage is an extremely low user of electricity and natural resources.

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

Possible outside solar lighting

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, flood plains, or prime farmlands?

N/A.

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

N/A.

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?

I believe the property would fill a void for the proposed apartment complex across the street.

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

Keeping the majority of the site covered in gravel.

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

at its peak, this project would hopefully gain more people. The demand would roughly be 50 people.

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

The existing infrastructure should easily handle the minor vehicle influx.

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

I don't believe there is an issue.

FOR OFFICIAL USE ONLY:	
CRITICAL AREA REVIEW COMPLETED	
BY <u><i>Mack</i></u>	ON <u><i>1-25-10</i></u>
APPLICATION APPROVED FOR PROCESSING	
BY <u><i>Mack</i></u>	ON <u><i>1-26-10</i></u>
ZONING <u><i>AG</i></u>	COMP. PLAN <u><i>UGA</i></u>

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

File No. SP10-02
Date 3-24-10
Exhibit No. 6
Received by CH

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that there has been proposed to the Benton County Planning Department the following application:

EA 10-03/SP 10-02 dated January 26, 2010 for the construction of mini-storage units to be done in three Phases. Nine enclosed storage buildings ranging in size from 40 feet by 150 feet to 50 feet by 400 feet will house 302 storage units ranging in size from 10 feet by 10 feet to 20 feet by 25 feet will be constructed. Outside storage will consist of two 35 feet by 230 foot areas. The site is located on Lots 1 and 2 of Short Plat 1401 in Section 2, Township 9 North, Range 28 East, W.M. off of Arena Road. Applicant: Kurk Watts – 10612 West Court Street – Pasco, WA 99301.

NOTICE IS GIVEN that said proposal will be reviewed under the requirements of the State Environmental Policy Act. The Benton County Planning Department expects to issue a Determination of Non-Significance (DNS) with respect to this proposal and its environmental impacts utilizing the optional DNS process set forth in WAC 197-11-355. A copy of the subsequent threshold determination for this proposal may be obtained from the Benton County Planning Department.

NOTICE IS GIVEN that all concerned persons will have fourteen (14) days from the date of publication of this notice to comment in writing on this action. This comment period may be the only opportunity to comment on the environmental impacts of this proposal. Comments should be submitted to the Benton County Planning Department, P.O. Box 910, Prosser, WA 99350.

Contact Clark Posey – Senior Planner at the Benton County Planning Dept. P.O. Box 910, Prosser, WA, or by calling Prosser - 786-5612 or Tri-Cities - 736-3086, can obtain more information concerning this action.

Dated at Prosser, Washington on this 28th day of January, 2010.



CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH ON: Thursday, February 4, 2010

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

File No. SP 10-02
Date 3-24-10
Exhibit No. 7
Received by CD

NOTICE OF OPEN RECORD HEARING

NOTICE IS HEREBY GIVEN that the following application has been proposed to the Benton County Board of Adjustment, Benton County, Washington.

SP 10-02/EA 10-03: dated January 26, 2010 for the construction of mini-storage units to be done in three Phases. Nine enclosed storage buildings ranging in size from 40 feet by 150 feet to 50 feet by 400 feet will house 302 storage units ranging in size from 10 feet by 10 feet to 20 feet by 25 feet will be constructed. Outside storage will consist of two 35 feet by 230 foot areas. The site is located on Lots 1 and 2 of Short Plat 1401 in Section 2, Township 9 North, Range 28 East, W.M. off of Arena Road. Applicant: Kurk Watts – 10612 West Court Street – Pasco, WA 99301.

VAR 10-01 – Variance to BCC 11.16.030(c)(b) for a twenty-two (22) foot reduction from the required fifty-five (55) foot front yard setback from an county road leaving a thirty-three (33) foot setback from the centerline of Riverside Drive, for the construction of a 36-foot by 48-foot accessory building. Location: 1414 Riverside Drive on Lot 24 and a portion of Lot 23 of Bridge Acres Plat in the Southeast Quarter of the Southeast Quarter, in Section 5, Township 9 North, Range 28 East W.M. Applicant: Walt Anderson, 1414 Riverside Drive West Richland, WA 99353

NOTICE IS GIVEN that said application will be considered by the Board of Adjustment of Benton County, Washington at a public hearing on Thursday, April 1, 2010 beginning at the hour of 7 p.m. in the Hearing Room - Benton County Planning Department, 1002 Dudley, Prosser, WA 99350. All concerned persons may appear and present any support for or objections to the application or provide written testimony to the Board of Adjustment in care of the planning department on or before the date of the hearing. More information concerning this action can be obtained by contacting Clark A. Posey, Senior Planner at the Benton County Planning Department, 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Benton County welcomes full participation in public meetings by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or required assistance to comment at this public meeting, please contact the Benton County Planning Department at the above stated phone numbers and/or address at least ten days prior to the date of the meeting to make arrangements for special needs. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department the afternoon of the hearing by 4 p.m. to confirm that the hearing will be conducted as scheduled.

Dated at Prosser, Washington on this 8TH day of March, 2010.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

CLARK A. POSEY – SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Thursday, March 18, 2010

File No. SP10-02

Date 3-24-10

Exhibit No. 8

Received by CH

MITIGATED DETERMINATION OF NONSIGNIFICANT

Description of proposal: Construction of mini-storage units to be done in three Phases. ~~Nine~~ enclosed storage buildings ranging in size from 40'x150' to 50'x400' will house 302 storage units ranging in size from 10'x20' and 20'x25' will be constructed. Outside storage will consist of two 35'x230' areas.

Proponent Kurk Watts
10612 West Court Street
Pasco, WA 99301

File No. EA 10-03

Location of proposal: The site is located on Lots 1 and 2 of Short Plat 1401 in Section 20, Township 9 North, Range 28 East, W.M. off of Arena Road.

Lead agency BENTON COUNTY

This MDNS is issued under WAC 197-11-340(2); no additional comments are being requested. The mitigation measures are as follows:

Identified Environmental Impacts and Mitigation Measures: Substantive authority to require mitigation is derived from WAC 197-11-660; West Richland Municipal Code 18.04; and, by reference, the goals, strategies, and policies of the West Richland Comprehensive Plan.

Transportation & Utilities: Arena Road is a City (West Richland) street, hence Developer shall be required to improve said roadway per City of West Richland Municipal Code Requirements.

Mitigation Measure # 2: Arena Road along the frontage of the properties shall be reconstructed with a 36' wide asphalt pavement, with curb and gutter on the north boundary and curb, gutter, and sidewalk on the southern boundaries of said roadway, per City Engineer requirements; said roadway to have minimum of 2" of ACP and 6" of crushed rock. Roadway construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval.

Said roadway to include the following:

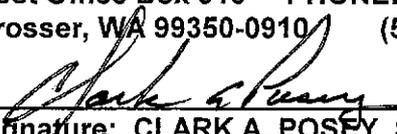
1. Street lights at every intersection (200W) and at 300 foot intervals (100W);
2. Handicap ramps at intersections and asphalt ramps at end of sidewalks, per ADA (American Disability Act) and City standards;
3. Vacant conduit banks at every street intersection or approximately 300 ft. intervals;
4. Fire hydrants are required at the intersections and at 400-foot intervals. All hydrants must have storz fittings and be capable of producing the required fire flow; developer will be responsible for looping water system and/or increasing water line size, as needed, to meet required fire flow;
5. Storm water management must be provided; using accepted best management practices and design standards. The storm water facilities must be designed by a professional engineer registered in the State of Washington and be based on the 25-year, 24-hour storm event. The storm water facilities must also meet NPDES Phase 2 storm water requirements;
6. The construction plans and installations for all public improvements must be reviewed, inspected, and approved by the Public Works Department. The plan review fee and inspection fee equal to 5% of the total estimated construction costs is required at the time the plans are submitted for review. Work with the Public Works Department to coordinate the review and inspection process for the public improvements required for this plat. Inspection fees will apply and must be paid prior to construction.

This mitigated determination of nonsignificance is issued under WAC 197.11.350(3); the lead agency will not act on this proposal for fourteen (14) days from the date below. Comments must be submitted by: **March 17, 2010.**

Responsible Official

MICHAEL E. SHUTTLEWORTH, PLANNING MANAGER
Benton County Planning Department
Post Office Box 910 PHONE: (509) 786-5612
Prosser, WA 99350-0910 (509) 736-3086

Date **March 3, 2010**


Signature: **CLARK A. POSEY, SENIOR PLANNER**

You may appeal this determination to Michael E. Shuttleworth – Planning Manager – P O Box 910 – Prosser, WA 99350, no later than March 17, 2010 by written notice. You should be prepared to make specific factual objections. Contact the Benton County Planning Department to read or ask about the procedures for SEPA appeals.

Agencies:

Applicant
News Media
Office of Archaeology/Historic Preservation
Benton County Building Department
Dept. of Natural Resources - Ellensburg, Olympia
Benton Clean Air Authority
Benton County Public Works
Benton Franklin Dist. Health
Futurewise
Dept. of Ecology - Olympia – Yakima
Benton County Fire Marshal
Dept. of Fish/Wildlife
Bureau of Reclamation
Corps of Engineers
Bureau of Land Management
Fire District No. 4
Washington State Department of Health
Washington State Department of Transportation
Office of Archaeology/Historic Preservation
City of West Richland
City of Richland

X

From: Sue Schuetze
To: Clark Posey
CC: Malcolm Bowie; Norm Childress; Steve Becken
Date: 2/11/2010 2:31 PM
Subject: SP 10-02 Watts Mini Storage

RECEIVED

FEB 11 2010

**Benton County
Planning Department**

Additional Comment:

The developer will need to apply for a Road Encroachment Permit.
The approach will need to be built to the Benton County 96-05 Commercial Standard.

Sue Schuetze, Engineer II
Benton County Public Works
P. O. Box 1001
Prosser, WA 99350
509.786.5611 office
509.786.5627 FAX

File No SP 10-02
Date 3-24-10
Exhibit No. 10
Received by ch



RECEIVED

JAN 29 2010

Benton County
Planning Department

January 29, 2010

File No. SP10-02
 Date 3-24-10
 Exhibit No. 11
 Received by CH

Clark A. Posey, Senior Planner
 Benton County Planning Department
 P.O. Box 910
 Prosser, WA 99350

RE: SP 10-02 Kurk Watts

Dear Mr. Posey:

This office has reviewed the above referenced proposal and has no objections provided:

- 1) The facility is served by an approved public water supply in accordance with WAC 246-291.
- 2) The facility is served by an on-site sewage disposal system that is permitted, installed and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2 for the intended use.
- 3) The lot must meet minimum land area requirements as specified in Benton-Franklin District Board of Health Rules and Regulations No. 2.

If you have any questions, please contact me at the Kennewick Health office, phone (509) 460-4317.

Sincerely,

Jeri L. Randle
 Environmental Health Specialist II

Environmental Health Community Health Centers

7102 W. Okanogan Place
 Kennewick, WA 99336

7102 W. Okanogan Place
 Kennewick, WA 99336

412 W. Clark St.
 Pasco, WA 99301

310 North Seventh Street
 Prosser WA 99350

**Benton County Fire Marshal's
Review of Proposed Planning Applications**

RECEIVED

TO: Clark A. Posey

File No. SP 10-02

Special Use Permit 10-02

Date 3-24-10

FEB - 3 2010

Date Received 1-29-10 **Date Returned** 2-2-10

Exhibit No. 12

Received by CD

Benton County
Planning Department

Applicant's Comments: Kurk Watts, 10613 W. Court Street, Pasco, (w) 521-59004 proposes to construct a mini-storage facility at the SE corner of Arena Road and Dallas Road on parcels 1-2098-201-1401-001 and 002.

Fire Marshal's Comments:

The buildings are to be constructed of steel and cmu materials. The applicant states that the development will occur in three phases (Q.10-g), and the hours of operation is 6:00 AM to 9:30 PM seven days a week. There will be no office. Site plan shows and states there will be 30' between each building, and a 30' setback from property lines to all buildings.

There will be four fire hydrants required. The final hydrant locations must be approved by Chief Spring, Benton County Fire District # 4. The installation of the hydrant(s) can coincide with the three phases.

The following comments on skylights **are not** a requirement. The comments are based on my experience with combating fires in mini-storages that were built as Mr. Watt's project. Although the structural components will be metal and concrete, the storage items will not be noncombustible, and as such, a fire occurring in one unit will often result in extensive damage to the entire building. The reason for this is the tremendous amount of heat being generated and confined.

It has been my experience mini-storage fires have a significant time delay from the time the fire starts and the time the Firefighters have been called. This delay and the metal roof construction allow the fire to spread throughout the storage units. The metal roof's second contribution to propagating the fire is the fact that Firefighters cannot safely vent the roof for fear of collapse.

Venting a building is a basic tenet in firefighting. A hole cut in a roof serves two things. It greatly reduces the spread of the confined heat (draws fire to the hole), and the closer the vent is (quicker it is made) over the origin of the fire the damage becomes demonstratively less. A quick way of building in vents is to replace one metal roof panel over each storage unit with a plastic skylight.

The plastic will quickly melt out. In doing so, the vast majority of the heat will be vented directly out the hole and limit the spread of fire to adjacent units. The escaping smoke will more likely be noted quicker than smoke trying to escape around the doors and roof eaves. This allows for quicker Firefighter notification. Another benefit, is the emitted sunlight coupled, with the open door, is sufficient so eliminate the need for electrical outlets. Which, of course, eliminates a prime ignition source.

Required:

1. The locations of the four hydrants have been placed on the applicant's site plan.

- a. In case the hydrants move during the electronic transfer, the locations selected are
 - i. Along the north property line at the end of building 7.
 - ii. Along the east property line between buildings 8 and 9.
 - iii. Along the south property line at the end of 7 building
 - iv. Along the west property line between buildings 3 and 4.
 - b. Hydrant(s) are to be operable prior to combustible materials arriving on site.
 - c. Hydrants are to be protected from vehicle damage by either approved bollards or approved curbing. Please submit design.
 - d. Each hydrant is to be installed with a storz connection, with a blue reflector tape attached, complying to Benton County Fire District # 4's standard. See enclosed policy.
 - e. City of Richland is the water provider, and the water mains and hydrants shall comply with the City of Richland's requirements.
2. A site plan showing the gates and the three proposed phases is needed.
- a. The gate will need a manual over ride that can be employed incase of power failure.
 - b. A Knox Box containing the emergency operation procedure is required. Contact Chief Spring 737-0911 to obtain the information on how to order the Knox Box.

Benton County Building Department
Steve Brown, Manager

Building Department
5600 W. Canal Place, Box 105A
Kennewick, WA. 99336
(509)-735-6555 ext 2415
From Prosser call 786-5622
Fax 736-2732

Planning Department
PO Box 910, 1002 Dudley Ave.
Prosser, WA. 99350
(509) 786-5612
From Tri-Cities call 736-3086
Fax 786-5629

Benton County Fire Marshal

Policy: Benton County Fire District's Storz Requirements

Date: Monday, November 22, 2004

Purpose:

Provide for a uniform method for meeting the requirements of BCC3.18.036 (a) WATER SYSTEM REQUIREMENTS--FIRE HYDRANTS--GENERAL STANDARDS.

Scope:

This policy is applicable only to pressurized fire hydrants that are installed within the individual Fire Districts of Benton County.

Procedure:

Upon the Benton County Fire Marshal's office receiving an application from the Benton County Planning Department, a review will be conducted to determine if pressurized fire hydrants are required. Prior to approving the fire hydrant system, an inspection will be conducted to determine if the storz fitting complies with Table 1 and Figure 1. Figures 2 through 4 shows the three fittings that are required for each hydrant.

Fire District	Soft Suction Connection	Storz Required
1 (Kenn area)	5" Fig. 4	Yes
2 (B.City Area)	4" Storz blind cap	es
3 (Prosser)	4"	es
4 (W. Rich)	5"	es
5	None	/drants
6 (Pat/Ply)	5"	es

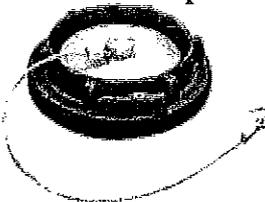


Table 1

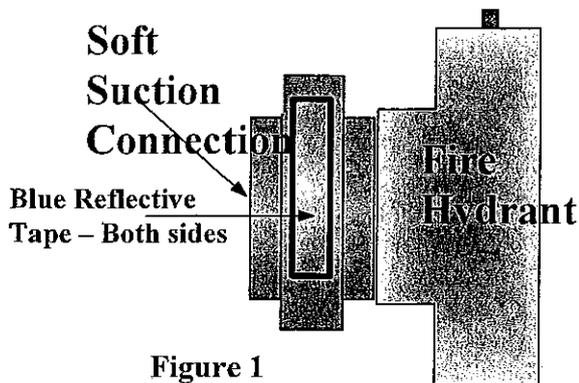


Fig. 2
Storz to hydrant adapter

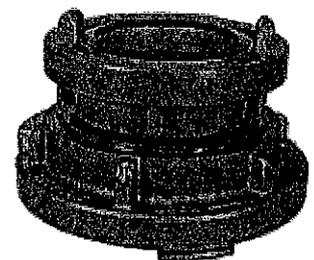


Fig. 3
Storz to storz adapter

From: Ken Williams
To: Chief401
CC: Planning Department
Date: 2/5/2010 10:38 AM
Subject: RE: SP 10-02

File No. SP10-02
Date 3-24-10
Exhibit No. 13
Received by CA

Mike,

I'm cc'ing the Planning Department, because some of your questions reside within the Planning Department.

I'm quite sure that Richland's system will provide 1,000 gpm at 20 psi residual pressure. What I'll do is contact RFD and make arrangements for me to flow the system. If approval is given, I'll need some help in monitoring the static hydrant. Will the crew be available?

Thanks,

Ken

>>> "Chief401" <Chief401@bcfd4.org> 2/2/2010 2:16 PM >>>
Ken

My biggest concern with this project will be the available fire flow to protect it, also the zoning, I thought there was a break at Arena from commercial to residential, this is also sandwiched between City of Richland, City or West Richland and if in our District only by the lot line. Is this another set of structure that are going to be built that I won't be able to provide adequate fire flow too?
Does the County realize that directly across the Street to the north there is already a mini storage area, that has been approved by the City of West Richland. How about those impact fees, to help us provide tenders?

Chief Spring

-----Original Message-----

From: Ken Williams [mailto:ken_williams@co.benton.wa.us]
Sent: Tuesday, February 02, 2010 12:26 PM
To: Michelle Johnson; Planning Department
Cc: Chief401
Subject: SP 10-02

Carel,

Just a note to let you know that this area is in BCFD 4's response area, and not BCFD 1's.

If you want, let me know and I'll try see if a copy of a map showing the various boundaries is available.

Ken

RECEIVED

FEB - 5 2010

Benton County
Planning Department

From: Ken Williams
To: Clark Posey
Date: 3/15/2010 10:01 AM
Subject: EA 10-3 MDNS

File No. SP10-02
Date 3-24-10
Exhibit No. 14
Received by AD

Clark,

How ya do'in Ol' buddy.

Do you feel it slipping...yet.

I was reading the comments for the mini-storages, and although there is no need to change anything for this one, I'd like to make a suggestion on the hydrant distances. 300 feet is the actual BCC requirement. But, my suggestion is this generic statement (or something similar), "Hydrant locations as required by the Fire Marshal shall be operable prior to combustible materials arriving or prior to occupancy".

What do you think?

Ken

RECEIVED

MAR 24 2010

**Benton County
Planning Department**

From: Steve Brown
To: Carel Hiatt
Date: 1/29/2010 2:38 PM
Subject: Re: SP 10-02 KURK WATTS;

File No. SP10-02
Date 3-24-10
Exhibit No. 15
Received by CH

Building permits required - SB

>>> Carel Hiatt 1/29/2010 2:33 PM >>>
SP 10-02 KURK WATTS; PLEASE REVIEW AND SUBMIT COMMENT, THANK YOU.

Carel Hiatt
Office Manager
Benton County Planning Department
P O Box 910
1002 Dudley Avenue
Prosser, WA 99350
Tel: 509-786-5612
Fax: 509-786-5629
Email: carel.hiatt@co.benton.wa.us

RECEIVED

FEB - 1 2010

**Benton County
Planning Department**

Planning Department - SP10-02 - Kurk Watts

From: "Simon, Rick" <RSimon@CI.RICHLAND.WA.US>
To: 'Planning Department' <Planning.Department@co.benton.wa.us>
Date: 2/10/2010 9:08 AM
Subject: SP10-02 - Kurk Watts

File No. SP10-02
Date 3-24-10
Exhibit No. 16
Received by CD

Clark,

The City of Richland notes that the applicant has requested City water. The nearest City water main is approximately 400 feet from the project site. Extension of a water main to serve this project is possible but will require approval from the Richland City Council since this site is located outside of Richland corporate limits. Thank you for the opportunity to comment on this proposal.

Rick Simon

RECEIVED

FEB 10 2010

Benton County
Planning Department

RECEIVED**Carel Hiatt - RE: EA 10-03 NOA;**

FEB 23 2010
 File No. SP10-02
 Date 2-24-10

From: Thaniel Gouk <ngouk@westrichland.org> Benton County
To: Carel Hiatt <carel_hiatt@co.benton.wa.us> Planning Department
Date: 2/23/2010 10:08 AM
Subject: RE: EA 10-03 NOA;
CC: Bob Leedy <btleedy@westrichland.org>, Roscoe Slade <roscoe@westrichland.org>, Aaron Lambert <alambert@westrichland.org>
Attachments: Ligting.doc

Exhibit No. 17
 Received by CD

Carel, below are the City of West Richland's comments regarding the proposed mini-storage:

Comments from Public Works:

- 1) Arena Road is a City of West Richland street. Applicant shall be required to obtain an access permit from the City of West Richland.
- 2) Applicant shall be required to improve / wide Arena Road along the frontage of said development to meet City of West Richland roadway standards including but not limited to; 2" ACP w/ 6" CSTC base, curb, gutter and sidewalks, storm drainage facilities, and street lights.
- 3) Applicant shall be required to extend water main from the intersection of Arena Road and Dallas Road along frontage of development and install fire hydrant(s) meeting the International Fire Code.

Comments from Planning:

- 1) Provide a lighting plan (attached is the City's Lighting code). Our concerns regard light "spillage" onto the adjacent residential properties as well as the future apartment complex northwesterly of this proposal.
- 2) Provide a landscape plan for the site as well as the buffer that will be used between this proposal and the adjacent residential properties.

Thanks Carel, let us know if you have any questions!

-Thaniel

From: Carel Hiatt [mailto:carel_hiatt@co.benton.wa.us]
Sent: Monday, February 01, 2010 4:04 PM
To: Thaniel Gouk
Subject: EA 10-03 NOA;

EA 10-03 NOA; Please review and respond, thank you.

Chapter 17.55 NONRESIDENTIAL LIGHTING STANDARDS

Sections:

- 17.55.010 Purpose.
- 17.55.020 Applicability.
- 17.55.030 General requirements.
- 17.55.040 Lighting standards for uses within 50 feet of residential zones.
- 17.55.050 Outdoor parking lot lighting.
- 17.55.060 Exterior and parking lot lighting in transition overlays.
- 17.55.070 Canopy lighting and lighting of service stations.
- 17.55.080 Outdoor performance, sport and recreation facilities and playfields.
- 17.55.090 Security lighting.
- 17.55.100 Architectural accent lighting.
- 17.55.110 Landscape lighting.
- 17.55.120 Temporary lighting.
- 17.55.130 Effect on other codes.
- 17.55.140 Nonconforming fixtures.
- 17.55.150 Severability.

17.55.010 Purpose.

This chapter is established for the following purposes:

- A. To regulate exterior lighting to avoid unsafe and unpleasant conditions.
- B. To discourage excessive lighting.
- C. To regulate the types of fixtures, lamps and standards installed in the city.
- D. To protect all residential zones from the ill effects of nonresidential lighting.
- E. To create a safe environment during hours of darkness. [Ord. 40-07 § 1, 2007].

17.55.020 Applicability.

- A. All new construction proposals for nonresidential projects and all proposals for nonresidential remodeling, redevelopment and/or expansion.
- B. These regulations do not apply to residential construction (single-family, multifamily, duplexes, triplexes, apartments and rowhouses) or to residential common areas.
- C. These regulations do not apply to traffic lights; light standards installed on street rights-of-way; lighting necessary for emergency equipment and work conducted for the health, safety, and welfare of the community; or temporary holiday lighting.
- D. These regulations do not apply to sign lighting (see WRMC Title 19).
- E. These regulations do not apply to safety lighting, hazard warning lighting, or other similar lighting which may be required by state or federal agencies. [Ord. 40-07 § 1, 2007].

17.55.030 General requirements.

- A. Light trespass from nonresidential uses onto adjacent residential zones shall be minimized.
- B. Except for intermittent security lighting on motion detectors, all lights more than seven feet above the ground shall be downward directional lighting. The fixture's housing must be totally opaque. Clear or refractive lenses shall not extend below the housing.
- C. Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
- D. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- E. Fixtures and lighting systems established for safety and security shall be in good working order

and shall not be diverted to other uses.

F. Project applicants shall submit an overall exterior lighting plan containing information sufficient to determine that the provisions of this chapter will be satisfied. The exterior lighting plan shall include the following:

1. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for each type of proposed lighting fixture.
2. The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
3. Structural illumination drawings shall be provided for all illuminated elevations and shall include: fixture locations, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for all remote light fixtures.
4. The city may require additional supporting documents for a proposed lighting plan if necessary. Such additional information could include:
 - a. A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.
 - b. Photometric data, color rendering index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) cut-off fixtures.
 - c. Computer generated photometric grid showing foot-candle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by the community development director. Iso-footcandle contour line style plans are also acceptable.
 - d. Landscaping information that indicates mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting. [Ord. 40-07 § 1, 2007].

17.55.040 Lighting standards for uses within 50 feet of residential zones.

A. For exterior lighting installations and fixtures within 50 feet of a residential zone, the following requirements shall apply:

1. Lighting fixtures shall be no higher than 15 feet.
2. Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential zones. Fixtures should be of a type or adequately shielded to prevent glare from normal viewing angles.
3. Additional landscaping may be required by the city to provide adequate light screening between commercial zones and existing residential zones. [Ord. 40-07 § 1, 2007].

17.55.050 Outdoor parking lot lighting.

A. Parking lots shall comply with the standards of this section in addition to the requirements of Chapter 17.57 WRMC, Off-Street Parking (B-P).

- B. For multilevel parking facilities, the roof level shall be considered an outdoor parking lot.
- C. Lighting shall be designed to provide adequate vision, comfort and safety.
- D. Lighting shall be designed to provide uniform lighting throughout the facility.
- E. Lighting shall be designed to provide the minimum level of lighting necessary for user safety and identification of features.
- F. Lighting shall not cause direct illumination on adjacent or nearby properties and streets. Fixtures shall be adequately shielded to prevent glare from normal viewing angles on adjacent and nearby properties and streets.

G. Light fixtures shall direct illumination only in a downward direction.

H. The following mounting height regulations shall apply to open-air parking lot lighting fixtures. Mounting height shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture:

1. The maximum permissible mounting height of lighting fixtures within 50 feet of a residential zone shall be 15 feet.
2. The maximum permissible mounting height of lighting fixtures on top or roof level of parking

structures shall be 15 feet.

3. Lighting fixtures shall be no higher than the average height of the adjacent roofline with the maximum height being no more than 25 feet.

4. New lighting fixtures installed in, or adjacent to, an existing outdoor parking lot shall be no higher than those already in use in the contiguous parking areas.

a. Increases from allowable lighting levels when risk to individual or property security is demonstrated may be approved administratively. [Ord. 40-07 § 1, 2007].

17.55.060 Exterior and parking lot lighting in transition overlays.

A. See Chapter 17.75 WRMC when compliance with transitional regulations is required for location of transition overlays and identification of protected and complying zones.

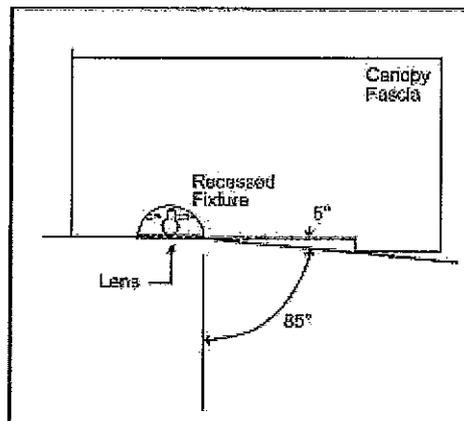
B. Within transition overlays, exterior lighting shall be designed, located, constructed, and maintained to minimize light and reflected light trespass into protected zones.

C. Within transition overlays, interior parking structure lighting shall be designed, located, constructed, and maintained so light and reflected light does not spill over or intrude into protected zones. The structure shall be designed and constructed so that light from moving and parked cars within the structure does not spill over or intrude into protected zones. [Ord. 40-07 § 1, 2007].

17.55.070 Canopy lighting and lighting of service stations.

A. Lighting levels shall be adequate to facilitate activity in such locations.

B. To minimize extent of direct glare, light fixtures mounted to canopies shall be recessed so the lens cover does not extend below the bottom surface (ceiling) of the canopy or fixture housing and the emitted light is restrained to 85 degrees or less from vertical (see following illustration).



Recessed Fixture

C. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

D. Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides (fascias of the canopy) shall not be illuminated in a manner other than as prescribed in WRMC Title 19. [Ord. 40-07 § 1, 2007].

17.55.080 Outdoor performance, sport and recreation facilities and playfields.

A. Lighting levels for outdoor performance areas, sport and recreation facilities, and playfields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity.

B. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

- C. The main lighting shall be turned off as soon as possible following the end of the event.
- D. The requirements of WRMC 17.55.040 shall apply to uses identified in this section. [Ord. 40-07 § 1, 2007].

17.55.090 Security lighting.

- A. "Security lighting" is defined as lighting designed and used to discourage crime and undesirable activity.
- B. Security lighting should use the lowest possible illumination to effectively allow surveillance.
- C. The use of sensor technologies, timers or other means to activate lighting in times when it is needed may be required by the city to conserve energy, provide safety, and promote compatibility between different land uses.
- D. In order to direct light downward, all security lighting fixtures shall be full cut-off fixtures.
- E. Lighting shall be shielded and aimed so that illumination is directed to the areas of concern.
- F. Where security lighting is proposed, IESNA minimum and maximum guidelines are to be followed. [Ord. 40-07 § 1, 2007].

17.55.100 Architectural accent lighting.

- A. Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features.
- B. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property or streets.
- C. Exterior lighting which may be considered a nuisance or hazard may be reduced or restricted or otherwise controlled upon such a determination by the community development director or other authorized administrator. Such action shall be provided to the building owner and/or manager within 10 days of the initial use and inspection of the exterior lighting installation.
- D. Flags of the United States or Washington State may be illuminated from below, provided such lighting is focused primarily on the individual flag or flags. [Ord. 40-07 § 1, 2007].

17.55.110 Landscape lighting.

Illumination of landscaping shall utilize diffused or muted lighting, avoid glare, and minimize light trespass and escape beyond landscaping onto neighboring property, streets, or the night sky. [Ord. 40-07 § 1, 2007].

17.55.120 Temporary lighting.

- A. Lighting used to illuminate temporary uses shall be reviewed, and if necessary conditioned, through the temporary use permit process.
- B. The city may impose specific conditions for the lighting of temporary uses consistent with the purposes of this title. [Ord. 40-07 § 1, 2007].

17.55.130 Effect on other codes.

The provisions of this title are intended to supplement other applicable codes and requirements. Compliance with all applicable provisions of building, electrical and other codes must be observed. In the event of a conflict between the requirements of this code and other requirements, the more restrictive requirement shall apply. [Ord. 40-07 § 1, 2007].

17.55.140 Nonconforming fixtures.

- A. All outdoor lighting fixtures existing and legally installed and operative before the effective date of the ordinance codified in this title are exempt from the requirements of this title.
- B. When a nonconforming fixture is replaced, the replacement shall meet the requirements of this title. Nonconforming, preexisting fixtures may not be relocated to any location on or within an individual property or project site within the city limits without a variance to do so. [Ord. 40-07 § 1, 2007].

17.55.150 Severability.

The provisions of this chapter are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of this application to other persons or circumstances. [Ord. 40-07 § 1, 2007].





File No. SP10-02
Date 3-24-10
Exhibit No. 18
Received by CD

RECEIVED

MAR - 3 2010

CITY OF WEST RICHLAND

CIVIL AND UTILITY ENGINEERING

Benton County
Planning Department

PUBLIC INFRASTRUCTURE
CONSTRUCTION PLAN REQUIREMENTS
AND DESIGN GUIDELINES

SECTION 1 - PROJECT PROCEDURE

Any project that includes the construction of public infrastructure shall comply with the following procedure. Public infrastructure includes all construction of public streets, water lines, sewer lines, storm drainage lines, street lights and any other facilities that will be owned, operated and maintained by the City.

1. Four paper copies of the construction plans are required for each review submittal (24 x 36 standard size).
2. One copy of storm drainage calculations and any other support information are required with the first submittal. Calculations do not need to be included with re-submittals unless there is a substantial change to the project.
3. The plan review fee for subdivisions is \$200/Lot for up to 11 lots, with a minimum of \$500. More than 11 lots shall be \$2500. The fee is due at time of initial plan submittal.
4. For subdivisions, a Water System Development Fee will be due before Public Works approval of construction drawings.
5. When the construction plans are approved, a minimum of four full size (24X36) and one half size (11X17) copies are required. Approved drawings shall be valid for 12 months. If the project has not commenced after 12 months, drawings shall be resubmitted to the City for a re-review and approval.
6. An inspection fee in an amount equal to 5% of the public infrastructure construction cost will be collected before issuance of a Notice to Proceed with construction. An itemized engineer's cost estimate is required to determine the inspection fee.
7. After the construction drawings are approved and fees paid, a pre-construction conference will be scheduled by the contractor/developer and will include representatives from the City, owner, contractor, subcontractors, surveyor, various utilities, other agencies and others who may have an interest in the project or who are likely to be affected by it.
8. When the construction is substantially complete, one set of mylar "record drawings" and an electronic copy in AutoCAD 2000 is required with all changes or deviations noted. After the "As-Built drawings" are provided a final walk-through inspection will be conducted by all affected City divisions and a punchlist of all deficiencies will be compiled.
9. Any public infrastructure that is not within a public right-of-way will require an easement prior to final acceptance. A legal description and exhibit map prepared by a currently licensed Washington State professional land surveyor is required to be provided to the City both on hard copy and electronically. The City will put the easement on the proper form for property owner to sign and have the document recorded with Benton County. In general, all sewer mains require a 20' easement. Water mains, storm mains, irrigation mains and franchise utilities require a 10' easement.

10. After all punchlist items have been completed and easement documents and Mylar "record drawings" have been provided, the City will issue a letter of acceptance for the project. For subdivisions, letters of acceptance will be required from all utilities providing services to the development.
11. In locations where unusual conditions exist as determined by the City Engineer, such as high groundwater or steep slopes, a geotechnical report will be required.
12. The developer is advised that the Department of Ecology has determined that infiltration facilities are Class V injection wells. Effective February 3, 2006 and prior to acceptance of the project by the city, the owner of the facility must register the drywell/infiltration system with the Washington State Department of Ecology. Registration forms may be obtained from the Department of Ecology web page at: http://www.ecy.wa.gov/programs/wq/grndwtr/uic/registration/reg_info.html.
13. The Developer may be required to apply for a Construction Stormwater General Permit with the Washington State Department of Ecology if there is a possibility that stormwater could run off of the site during construction and into surface waters or conveyance systems leading to surface waters of the State.
14. It is the responsibility of the Developer to purchase and install mail box cluster units per Richland Post Office standards. Coordinate with Dyanna Forsythe at 943-2044. Developer to install 10 LF of sidewalk in front of mail box cluster units. For rural roadways, a 30-foot long by 10-foot wide asphalt turn-out shall be constructed with 30-foot tapers on each side.

SECTION 2 - CONSTRUCTION PLANS

All public infrastructure construction plans shall contain the following minimum information. Additional information shall be added by the design engineer or may be required by the City to address specific concerns for each project.

A. GENERAL

1. The cover sheet shall include the following:
 - a. The title of the project.
 - b. The name, address and phone number of the owner.
 - c. The name, address and phone number of the engineer.
 - d. A vicinity map that clearly indicates the project location.
 - e. General construction notes. (See Section 4)
 - f. The survey benchmark used for the project. The benchmark shall be on City of West Richland datum.
 - g. A sheet index.
 - h. A legend.
 - i. An overall plan view of the project.
 - j. For subdivisions, a signature block shall be included for all utilities that have a franchise permit covering the area of the project, whether they will provide service or not.
2. All sheets shall have a signature block for the City of West Richland Public Works Director approval.

3. All sheets shall be stamped and signed by a currently licensed professional engineer registered in the State of Washington. Electronically reproduced signatures will not be accepted.
4. All sheets shall be drawn on standard 24" x 36" format.
5. All sheets shall include a north arrow and bar scale.
6. All sheets shall be drawn at a scale that is large enough to clearly depict the proposed construction.
7. All sheets shall be drawn at one of the following scales:
1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50'
8. All sheets shall include the note "CALL TWO BUSINESS DAYS BEFORE YOU DIG 1-800-424-5555."
9. Cross sections of all streets shall be shown on the plans.
10. Match lines are required at breaks between sheets.
11. Any construction details not included in the City Standard Details shall be shown on the plans.
12. All existing and proposed facilities shall be shown on the plans.
13. All existing and proposed easements and property lines shall be shown on the plans.
14. All existing and proposed underground pipes shall be shown in the profile views.
15. The location and depth of existing facilities should be verified if there is a potential conflict with proposed facilities.
16. All street, water, sewer and storm drainage work shall be drawn on standard plan and profile sheets. Whenever it is feasible, street, water, sewer and storm drainage work shall all be shown on the same plan and profile sheets. If the project has on-site water line work only then the profile requirement may be waived. The limits of work shown in the profile view on each sheet shall match the limits of work shown in the plan view on that sheet. The plan and profile sheets shall show the following minimum information. Additional information shall be shown when needed to clearly specify the proposed work.

B. WATER, PLAN VIEW

1. Location, size, length and material type of all water mains.
2. Location, size and type of all water valves and fittings.
3. Location and size of all blow-offs, air relief valves, pressure reducing valves, tees, bends, caps, thrust blocks, service lines, fire hydrants and any other water facilities.
4. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.

C. WATER, PROFILE VIEW

1. Location, depth, size and material type of all water mains.

D. SANITARY SEWER, PLAN VIEW

1. Location, size, length and material type of all sewer mains.
2. Location and number designation of all manholes, cleanouts and lift stations.

3. Location and size of all service lines and any other sewer facilities.
4. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.

E. SANITARY SEWER, PROFILE VIEW

1. Location, size, length, material type and slope of all sewer mains.
2. Location, size, number designation and rim elevation of all manholes, cleanouts and lift stations.
3. All pipe invert elevations at all manholes, cleanouts and lift stations.

F. STORM DRAINAGE, PLAN VIEW

1. Location, size, length and material type of all storm drainage mains.
2. Location and number designation of all manholes, inlets and catch basins.
3. Location and size of any other storm drainage facilities.

G. STORM DRAINAGE, PROFILE VIEW

1. Location, size, length, material type and slope of all storm drainage mains.
2. Location, size, number designation, rim elevation and grate elevation of all manholes, inlets and catch basins.
3. All storm manholes shall have a 2-foot sump in the bottom of them.

H. STREETS, PLAN VIEW

1. Contours of the existing ground.
2. Bearing and distance of all straight portions of the road centerline.
3. Radius, length, tangent length and central angle of all centerline curves and curb line curves.
4. Survey monuments along the road centerline at all ends of curves, intersection points, angle points and center of cul-de-sacs.
5. Centerline road station and top of curb or flowline elevations at all ends of curves, angle points and changes of slope.
6. Flowline slopes of all proposed curb and gutter at intersections and locations where slope varies from proposed road centerline grade.
7. Survey stations along the centerline of road.

I. STREETS, PROFILE VIEW

1. Existing ground at centerline of road.
2. Location and slope at centerline of proposed road.
3. Location, length and data for all vertical curves.
4. Centerline elevation at all ends of curves, intersection points, angle points and changes of slope.

J. IRRIGATION, PLAN VIEW

1. Location, size and material type of all irrigation facilities located within the limits of the proposed work.

K. IRRIGATION, PROFILE VIEW

1. Location, size, depth and material type of all irrigation facilities located within the limits of the proposed work (Required only when inside roadway prism or crossing).

L. STREET LIGHTING/UTILITY PLAN VIEW

1. Location of all street lights, junction boxes, disconnect boxes and underground lines.
2. All street lighting, wire sizes, conduit sizes, pole specifications, details and other information required by the City Engineer shall be shown on a separate street lighting sheet.
3. Location of all transformers, vaults, boxes, underground lines, overhead lines and any other existing or proposed facilities.

SECTION 3 - DESIGN GUIDELINES

The following guidelines shall be used for the planning and design of public infrastructure. Some of the items listed in this section may need to be modified by the City Engineer to address specific circumstances for each project.

A. WATER

1. Each water service shall have its own dedicated connection to the main line.
2. Water services are typically installed in the road right of way near property lines between lots. Boxes are typically paired to share one radio.
3. Water services shall not be located within driveways or driveway transitions.
4. Live water line taps or cut-ins to existing water lines shall be performed by the developer's contractor under direct supervision of a City representative. The contractor shall supply all materials, excavation and perform connection to existing City water lines.
5. Water mains in minor streets shall be 8" diameter unless flow analysis or the City's Water Comprehensive Plan indicates that a larger pipe is required. Water mains in major streets shall be as indicated in the Water Comprehensive Plan or as determined by the City Engineer.
6. 8" water mains in residential areas shall be class 150, AWWA C900 polyvinyl chloride pipe. Commercial and industrial areas shall be sized a minimum 12", unless otherwise noted by City Engineer. Water mains larger than 12" shall be ductile iron.
7. All water mains shall be installed with a minimum of 42" of cover.
8. A minimum of 2 valves are required at a tee. A minimum of 3 valves are required at a cross.
9. Valves 12" and smaller shall be gate valves. Valves larger than 12" shall be butterfly valves. 12" valves may be butterfly style with approval from the City Engineer.
10. Water lines that are stubbed for future extension shall have a valve at the tee or cross where the stub leaves the main line and the end of the stub shall have a fire hydrant or a blow-off assembly.

11. An air/vacuum valve assembly is required at all high points in the water system.
12. A minimum horizontal separation of ten-feet shall be maintained between water mains and sewer mains and service lines. Water mains should cross over the top of sewer mains with a minimum vertical separation of 18-inches. Any crossing with a vertical separation of less than 18" or any crossing in which the water main crosses below the sewer main shall be in accordance with Washington State Department of Ecology standards. If a minimum vertical separation of 12" cannot be maintained between storm pipe and water or sewer pipe, CDF shall be used as backfill in place of soil or gravel.
13. Fire hydrants shall be located 2 feet behind the back of sidewalk to the face of equipment where the sidewalk is adjacent to the curb and 6 feet behind the back of curb where the sidewalk is not adjacent to the curb.
14. Fire hydrants shall be located at the ends of curb returns or at property lines between lots.
15. Fire hydrants shall not be located within driveways, driveway transitions or handicap ramps.
16. Fire hydrants shall be installed at all intersections and spaced at approximately 400 feet in residential areas. The final decision on hydrant locations will be made by the City Engineer.
17. All fire hydrants shall have the following minimum clearances:
 - 3 feet from any obstacle
 - 5 feet from poles, transformers, etc.
 - 5 feet from shrubs
 - 10 feet from trees
18. No bends are allowed in fire hydrant runs. If a bend can't be avoided, the fittings shall be mega-lugged and all-threaded.
19. If a new utility line crosses under an existing asbestos cement water pipe, a minimum 20-foot section of the asbestos cement water pipe shall be replaced, with 5-feet outside of trench and into native soil. Replacement pipe shall be ductile iron in commercial areas and PVC in residential areas.

B. SANITARY SEWER

1. All sanitary sewer design shall be in accordance with the Washington State Department of Ecology publication "Criteria for Sewage Works Design."
2. Sewer services shall extend 10 feet beyond the right-of-way and the pipe end shall be capped and marked. Services are typically located in the middle of the lot.
3. Manholes are required at all angle points and all changes in slope. Curved sewer lines are not allowed.
4. The length of pipe between manholes shall not exceed a distance of 400 feet for pipes smaller than 12" and shall not exceed a distance of 600 feet for pipes 12" and larger.
5. A cleanout is allowed at the end of a sewer main in place of a manhole if the length of the sewer line from the last manhole does not exceed 150 feet and contains 2 or less services.

6. All sewers shall be designed and constructed to give velocities, when flowing full, of not less than 2.0 fps. Where velocities greater than 15 fps are expected, special provisions shall be made to protect against internal erosion or displacement. Minimum sewer slopes are as follows:

8" pipe	0.40%	18" pipe	0.12%
10" pipe	0.28%	21" pipe	0.10%
12" pipe	0.22%	24" pipe	0.08%
14" pipe	0.17%	27" pipe	0.07%
15" pipe	0.15%	30" pipe	0.06%
16" pipe	0.14%	36" pipe	0.05%

7. Sewer mains should not exceed a slope of 5% if possible. If sewer slopes in excess of 10% are required then the use of energy dissipaters and pipe restraints shall be investigated. Sewers on a 20-percent or greater shall be anchored securely with concrete anchors. Suggested minimum anchorage spacing is as follows:
- Not over 36-feet center-to-center on grades of 20 to 35-percent.
 - Not over 24-feet center-to-center on grades of 35 to 50-percent
 - Not over 16-feet center-to-center on grades of 50-percent or more
8. Sewer mains should be installed with a minimum of 4 feet of cover. If a sewer main must have less than 4 feet of cover then the need for structural protection shall be investigated.
9. Sewer mains over 15-feet deep shall be constructed out of C900 PVC. The entire main from manhole to manhole shall be the same material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.
10. A minimum horizontal separation of ten-feet shall be maintained between water mains and sewer mains and service lines. Sewer service lines or mainlines that cross within 18-inches of watermains or over watermains will be required to comply with Dept. of Ecology standards (sewer lines shall be constructed of water-class pipe, crossing pipes shall be centered so that the ends are equidistant from one another, intersections of pipes shall be encased in concrete, etc.). Water service lines or mains that cross over the sewer main and clear it by less than 18-inches shall also be installed per Dept. of Ecology standards. If a minimum vertical separation of 12-inches cannot be maintained between storm pipes and water or sewer pipes, CDF shall be used as backfill in place of soil or gravel.
11. Sewer mains that are stubbed for future extension shall have a manhole or cleanout at the end of the stub if there are service lines into the main. The main line may be capped and marked if there are no service lines between the dead end and the last manhole.
12. All commercial business shall have a minimum 6" service and shall connect into a manhole.
13. Industrial/commercial industries producing non-domestic strength wastewater will be required to provide and install a monitoring station. The City Engineer will provide details on the requirements for the monitoring station, which will include at minimum a flumed manhole, flow metering equipment, sampler, and pH measurement devices. The site shall be protected from the public in a fenced area, and be available at all times for City access. The user will be required to enter into a use agreement with the City prior to discharge.

C. STORM DRAINAGE

1. All storm drainage pipes or culverts shall be 10" diameter or larger. Minimum slope is 0.5%.
2. Manholes are required at all angle points and all changes in slope. Curved storm drainage lines are not allowed. Catch basins may be used at angle points in certain circumstances as approved by the City Engineer.
3. Storm drain manhole bases are not required to be channeled.

4. All storm manholes shall have a 2-foot "sump" in the bottom of them.
5. The length of pipe between manholes shall not exceed a distance of 400 feet.
6. Catch basins and inlets shall be located at the ends of curb returns or at property lines between lots.
7. All storm drainage systems shall be designed to contain or transport the runoff from a 24-hour period of a 25-year storm. Engineered storm drainage calculations are required to be submitted for all development projects. On-site percolation tests shall also be submitted with the calculations.
8. An oil/water separator is required prior to discharging any storm drainage waters from paved surfaces into drainage ditches, ground water or a public drainage collection system.
9. If the storm pond slopes are greater than 4:1, then a fence will be required around the perimeter of the pond with a minimum 15-foot wide gate for maintenance vehicles. A maintenance road to the bottom of the pond from the City Right of Way will also be needed. The city's maintenance of the pond in the future will consist of trimming weeds to keep them below 6-inches and maintaining the pond for functionality. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (and a power source), and responsibility for mowing grass.
10. The Dept. of Ecology's latest revision of "Guidance for UIC Wells that Manage Stormwater" shall be used for design of all drywell, French drain and other underground stormwater dissipation systems. The entire stormwater collection system shall be in compliance with the Phase II Municipal Stormwater Permit.
11. A Construction Stormwater General Permit will need to be filed with the Dept. of Ecology if there is any possibility that rainfall or snowmelt could leave the construction site and enter into surface waters or conveyance systems leading to surface waters of the State.

D. STREETS

1. Dead end cul-de-sac streets shall not be longer than 400 feet, measured from the intersection to the start of the bulb.
2. Cul-de-sacs shall have a minimum right-of-way radius of 60 feet and a minimum curb radius of 53 feet.
3. Curb returns at minor intersections shall have a minimum radius of 20 feet. Curb returns at major intersections should have minimum radius of 30 feet but should be evaluated on a case by case basis.
4. Curves in minor streets shall have a minimum centerline radius of 100 feet. Curves in major streets shall have a minimum centerline radius of 300 feet.
5. The minimum grade for all streets is 0.50%. The maximum grade for minor streets is 10%. The maximum grade for major streets is 8%.
6. All streets shall have a minimum cross slope of 2%.
7. All vertical curves shall be designed to provide adequate stopping sight distance. The minimum design speed for residential streets is 25 mph.
8. Standard residential streets shall have a 50 foot wide right-of-way and a 36 foot wide street from face of curb to face of curb. Narrower streets may be allowed by the City Council but on-street parking will be restricted and the developer will be required to pay for all parking restriction signs.
9. Residential streets shall be constructed with 2" of class B modified asphalt on 6" of crushed rock top course on compacted subgrade. Major streets and streets in commercial or industrial areas shall be constructed with 3" of class B modified asphalt on 10" of crushed rock top course on compacted

subgrade. All measurements are compacted depths. A geotechnical report for roadway design may be required by the City Engineer.

10. Sidewalks shall have a minimum width of 4.5 feet when the sidewalk is adjacent to the curb and a minimum width of 5 feet when the sidewalk is not adjacent to the curb.
11. Residential driveways shall have a minimum width of 10 feet and a maximum width of 20 feet for a two car garage, and 30 feet for a three car garage. Non-residential one-way driveways shall have a minimum width of 15 feet and a maximum width of 20 feet. Non-residential two-way driveways shall have a standard width of 40 feet but may be reduced to a minimum width of 30 feet if approved by the City or may be increased to a maximum width of 60 feet if approved by the City. In no case shall the driveway width exceed 40% of the lot frontage.
12. Pedestrian ramps shall be provided at all sides of a tee intersection.
13. Street name signs and regulatory signs on minor streets will be located and installed by City crews at the developer's expense. Regulatory signs on major streets will be evaluated on a case by case basis.

E. SURVEYING

1. SURVEY MONUMENT DESTRUCTION

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and file a permit with the DNR. If many monuments are in danger along a proposed construction route, one permit can be issued for the entire project with location and description details outlined for each monument. The permit will alert others that may encounter the construction or maintenance project and location information will be protected until a new monument is placed. In most cases, an agency official must be in responsible charge of protecting monuments during maintenance and construction activities within their jurisdiction.

The DNR contact person is Ted Smith at 360-902-1194 or by e-mail to ted.smith@wadnr.gov [<mailto:ted.smith@wadnr.gov>](mailto:ted.smith@wadnr.gov) and the link to the permit to temporarily remove monuments is [<http://www.dnr.wa.gov/htdocs/plso/download.htm>](http://www.dnr.wa.gov/htdocs/plso/download.htm). The form can be sent by email or USPS to PO Box 47060, Olympia, WA 98504-7060.

2. The survey benchmark used for the project needs to be noted. The benchmark shall be on City of West Richland datum.

3. All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, the applicant shall retain a professional land surveyor to replace the monuments and file a record survey with the County, while supplying a copy to the City.

F. STREET LIGHTING

1. Street lights shall be located 2 feet behind the back of sidewalk to the face of equipment where the sidewalk is adjacent to the curb and 6.5' feet behind the back of curb where the sidewalk is not adjacent to the curb.
2. Street lights shall be located at every intersection and spaced every 300-feet in residential areas, and every 150-feet in commercial and major roadways, or as determined by the City Engineer. Street lights shall be placed at the ends of curb returns or at property lines between lots.
3. Street lights shall not be located within driveways, driveway transitions or handicap ramps.
4. Street lighting design shall be in accordance with the City of Kennewick requirements.
5. Residential street lights shall be Type II with 200 watt bulbs at intersections, and 100 watt bulbs at all other locations. Commercial and main arterials shall be Type I and 400 watt.
6. All street lights shall be wired for 240 Volts.

G. IRRIGATION

1. All subdivisions shall include a complete irrigation system, whether irrigation water is available or not.
2. All irrigation main lines shall be located in a 10-foot irrigation easement. Easements shall generally be located to one side of all property lines (not straddle).
3. Specifications and details shall be per Kennewick Irrigation District or Columbia Irrigation District.
4. Mains across all road right of way crossings shall be constructed with class 150, AWWA C900 polyvinyl chloride pipe or installed in sleeves.

SECTION 4 - TYPICAL GENERAL CONSTRUCTION NOTES

The following notes shall be used when they are applicable to the project. Additional notes shall be added by the design engineer or may be required by the City Engineer to address specific concerns for each project.

1. All materials and workmanship shall be in accordance with the latest revision of the City of Kennewick standard specifications and details and the current edition of the state of Washington standard specifications for road, bridge and municipal construction. The city of Kennewick standard details are to be used with the exception of the water service, sewer manhole, shallow sewer manhole and sewer service marker post details shown on these plans.
2. NO work on this project shall commence until a written notice to proceed has been issued by the City of West Richland.
3. All traffic control devices shall be in accordance with the latest "Manual on Uniform Traffic Control Devices for Streets and Highways."
4. The contractor and all subcontractors shall be licensed by the state of Washington and bonded to do work in the public right-of-way and shall have a current City of West Richland business license.
5. The contractor shall be responsible for any and all construction deficiencies for a period of one year from the date of acceptance by the city of West Richland. Developer/Contractor to provide city with a maintenance bond in the amount of 5% of the total project cost.
6. The contractor shall be required to call 1-800-424-5555 a minimum of two business days prior to commencing any excavation activities to determine field locations of all underground utilities.
7. Any changes or modifications to the project plans shall first be approved by the City Public Works Director or his/her representative.
8. Water mains shall cross over the top of sewer mains with a minimum separation of 18". Any crossing with a vertical separation of less than 18" or any crossing in which the water main crosses below the sewer main shall be in accordance with Washington State Department of Ecology Standards.
9. The locations of all existing underground utilities as shown on these plans are approximate only. The contractor shall determine the exact locations of all existing utilities before commencing work and agrees to be fully responsible for any and all damages which might be associated with the failure to exactly locate and preserve any and all underground utilities.
10. The face of curb shall be stamped at all utility crossings, main lines and service lines as follows:

"S" – Sanitary Sewer	"I" – Irrigation	"E" – Electrical
"W" – Water	"C" – Conduits	"G" – Gas
11. All sanitary water mains shall have min. 42" cover.
12. All fire hydrants and guard posts shall be painted OSHA safety yellow, quickset enamel no. 3472 hydrant yellow as manufactured by farwest paint manufacturing company or approved equal. A storz adaptor shall be installed on every fire hydrant.
13. Fire hydrants and street lights shall be installed at 2 feet behind the back of sidewalk to the face of equipment where the sidewalk is adjacent to the curb and 6 feet behind the back of curb where the sidewalk is not adjacent to the curb unless otherwise noted on the plans.
14. Residential sewer services shall be 4" diameter and shall extend 10 feet beyond the right-of-way into the lot. The end shall be capped and marked with a 2"x4" pressure treated wood marker post painted green, marked and labeled at 1 foot increments, extending from the end of the pipe to 2 feet above the ground. Contractor to place tracer wire on post.

15. The contractor shall coordinate location and construction of power, natural gas, telephone and TV cable lines and services with utilities.
16. Filling on lots shall be constructed and compacted in accordance with the International Building Code. The developer shall be responsible for hiring an independent materials testing company to certify that fill placed on lots is buildable. In the case of a subdivision, a copy of this certification shall be provided to the City Engineer and Building Inspector prior to Final Plat.
17. Contractor to furnish trench and vault excavation and backfill for power telephone and cable TV. Contractor shall coordinate and schedule the work with the Benton R.E.A., Verizon and Suddenlink. Contractor to furnish and install 4" dia. direct bury conduit under streets shall be schedule 80.
18. Contractor to adjust new and existing valve boxes to grade after paving. Contractor shall replace existing valve boxes with current city standard valve boxes.
19. Sanitary waterlines to be PVC class 150, DR18 meeting the requirements of AWWA C900. Sanitary sewer lines to be PVC SDR 35 pipe meeting the requirements of ASTM D3034 and D1869. Storm drain lines to be PVC SDR 35 meeting the requirements of ASTM D3034. Irrigation lines to be PVC class 200 SDR 21 or better. Irrigation pipe sizes 3" and below shall be solvent welded, 4" and above shall have ring gasketed joints.
20. Sewer service lines shall be no steeper than 45° and no flatter than 2.0%. Minimum depth at curb line is 5 feet. Service lines to be constructed at 2.0% slope where noted on the plans.
21. City to furnish and install permanent street signs. Developer to reimburse city for materials and labor costs prior to final plat approval.
22. Locations of private utilities as shown on the plans are suggested locations and may be schematic. Contractor to coordinate field locations with utility.
23. Where necessary to avoid water and storm drain conflicts, Contractor shall construct water lines deeper. Maintain min. 12" vertical separation.
24. The construction site shall have a silt fence installed and maintained around the entire perimeter. A single access point shall be coordinated with the City Engineer prior to construction. At minimum, a 20'X40' rip-rap pad shall be constructed at the entrance of the site. If debris cannot be controlled, a wheel wash shall be installed and maintained by the contractor.
25. Where new sanitary sewer or storm drain lines are to be connected to existing manholes or pipe lines, Contractor to dig and verify elevations of existing lines and notify the City Engineer should grades need to be revised.
26. Residential water services are to be 1" dia. and shall be constructed per enclosed detail.
27. Contractor shall be responsible for the construction of the street light system complete. Street lights shall be constructed per City of Kennewick STD. 6-1. Contractor to meet all applicable codes and Benton REA standards. Lights to be 200 watt at intersections and 100 watt at all other locations. Main arterials and commercial districts shall be 400 watt. Luminaires shall be OVF Flat Glass Cooper Style Luminaire
28. Pedestrian ramps to meet City of Kennewick STD. plan 2-12A (new construction).
29. Contractor to allow City Engineer and design engineer to inspect each storm drain drywell excavation to evaluate soils and make adjustments if necessary.
30. Developer to purchase and install mail box cluster units per Richland Post Office standards. Coordinate with Dyanna Forsythe at 943-2044. Developer to install 10 LF of sidewalk in front of mail box cluster units.

31. Water lines shall be tested at 150 PSI for one hour, no loss.
32. Sewer lines shall be air tested per WSDOT standards.
33. All fire hydrants installed on streets within 50' of right-of-way shall be secured to mainline with shackle rods. See detail.
34. Sidewalk and pedestrian ramps shall have 2" of compacted 5/8" rock under concrete.
35. Sewer manhole sections shall have rubber "A-Lock" gaskets and shall be grouted and trowled to a smooth finish. All pipe inlets and outlets shall be grouted.
36. All disturbed areas to be hydroseeded with tackifier with dry land mix.

COMPACTION STANDARDS

ACP- 91% maximum density ASTM D-2041
Crushed Rock Top Course- 98% ASTM D-698
Crushed Rock Base Course- 98% ASTM D-698
Road Sub Grade- 98% ASTM D-698

Identified Environmental Impacts and Mitigation Measures: Substantive authority to require mitigation is derived from WAC 197-11-660; West Richland Municipal Code 18.04; and, by reference, the goals, strategies, and policies of the West Richland Comprehensive Plan.

Transportation & Utilities: Arena Road is a City (West Richland) street, hence Developer shall be required to improve said roadway per City of West Richland Municipal Code Requirements.

Mitigation Measure # 2: Arena Road along the frontage of the properties shall be reconstructed with a 36' wide asphalt pavement, with curb and gutter on the north boundary and curb, gutter, and sidewalk on the southern boundaries of said roadway, per City Engineer requirements; said roadway to have minimum of 2" of ACP and 6" of crushed rock. Roadway construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval. Said roadway to include the following:

1. Street lights at every intersection (200W) and at 300 foot intervals (100W);
2. Handicap ramps at intersections and asphalt ramps at end of sidewalks, per ADA (American Disability Act) and City standards;
3. Vacant conduit banks at every street intersection or approximately 300 ft. intervals;
4. Fire hydrants are required at the intersections and at 400-foot intervals. All hydrants must have storz fittings and be capable of producing the required fire flow; developer will be responsible for looping water system and/or increasing water line size, as needed, to meet required fire flow;
5. Storm water management must be provided, using accepted best management practices and design standards. The storm water facilities must be designed by a professional engineer registered in the State of Washington and be based on the 25-year, 24-hour storm event. The storm water facilities must also meet NPDES Phase 2 storm water requirements;
6. The construction plans and installations for all public improvements must be reviewed, inspected, and approved by the Public Works Department. The plan review fee and inspection fee equal to 5% of the total estimated construction costs is required at the time the plans are submitted for review. Work with the Public Works Department to coordinate the review and inspection process for the public improvements required for this plat. Inspection fees will apply and must be paid prior to construction.

From: Aaron Lambert <alambert@westrichland.org>
To: "clark.posey@co.benton.wa.us" <clark.posey@co.benton.wa.us>
CC: Roscoe Slade <roscoe@westrichland.org>, Thaniel Gouk <ngouk@westrichland.org>
Date: 3/24/2010 9:43 AM
Subject: Arena & Dallas Road Mini-Storage Development

File No. SP10-02
 Date 3-24-10
 Exhibit No. 19
 Received by [Signature]

Clark & Kurk,

After further reviewing our code, we confirmed that for commercial development, frontage improvements including curb, gutter & sidewalk are required only along your frontage of Arena Road. You would not have to improve the north frontage of Arena however the road rebuilding to City standards is still required to a width of 36-feet. Roscoe can explain this required profile in more detail. Clark, we will request that at this point our requested condition be modified to include the requirements as stated above but not include curb, gutter & sidewalk along the northern Arena Rd. right of way.

Pursuant to WRMC 12.04.060 you can seek relief from the frontage requirements with City Council approval, (see below).

Let me know if you have any questions or comments.

Sincerely,

Aaron Lambert, Associate Planner

City of West Richland

P. 509-967-5902

E. alambert@westrichland.org<mailto:alambert@westrichland.org>

www.westrichland.org<http://www.westrichland.org>

[cid:image002.jpg@01CACB36.6BF71D70]
 Chapter 12.04
 SIDEWALK, CURB, AND GUTTER CONSTRUCTION
 12.04.050 Conformance to city standards required.

All sidewalks, curbs and gutters shall extend the full distance of the property sought to be improved that may adjoin property dedicated as a public street. Sidewalks, curbs and gutters shall be constructed to city standards to meet and conform with the existing streets and street grades, and to provide uniformity in construction or as directed by the city. [Ord. 35-93 § 1, 1993; Ord. 265 § 5, 1978].

12.04.060 Waiver - Exemptions.

A. The city council, following the review and recommendation of the mayor or the mayor's designee, may waive the requirements of this chapter when application is made for the construction of a new residential, commercial or other structure or for the improvement of a city street by local improvement district or otherwise:

1. Where the condition of the property or the location is not conducive to sidewalks, curbs and gutters; or
2. Where the sidewalk, curb or gutter improvements proposed to be made are not suitable or will not be uniform with and conform to existing or proposed improvements in the immediate vicinity of the proposed sidewalk, curb and gutter improvement; or

RECEIVED

MAR 24 2010

**Benton County
Planning Department**

3. On a previously improved street, which previously improved street did not include sidewalks, curbs or gutters on the effective date of the ordinance codified in this chapter; or

4. When the grade for the street or public thoroughfare has not been properly established.

B. The city council, following the review and recommendation of the city planning commission and the mayor or the mayor's designee, may waive the requirements of this chapter at the time a preliminary plat of a proposed subdivision is submitted to the council for review.

C. In determining if the provisions of this chapter shall be waived, the mayor or the mayor's designee, the city planning commission and the city council shall consider the size of the proposed lots, the number and proximity of developed lots abutting the street to be improved, whether those existing developed construction of sidewalks, curbs and gutters in the general area in which the new construction application is made. [Ord. 35-93 § 1, 1993; Ord. 265 § 6, 1978].



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

File No. SP10-02

Date 3-24-10

Exhibit No. 20

Received by CD

February 12, 2010

RECEIVED

FEB 16 2010

Benton County
Planning Department

Clark Posey
Benton County Planning
P.O. Box 910
Prosser, WA 99350

Re: EA 10-03

Dear Mr. Posey:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the 3-phase construction of mini-storage units on 6.03 acres, proposed by Kurk Watts. We have reviewed the documents and have the following comments.

Water Resources

The environmental checklist notes a temporary irrigation pond.

Any surface water diversion will require application to the Department of Ecology for a water right permit.

The temporary irrigation pond would require water rights. If there are valid water rights associated with the temporary irrigation pond, make sure the proposed use(s) are within the limitations of its water rights. If the proposal's actions are different than the existing water (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Sections 90.03.380 RCW and 90.44.100 RCW.

Furthermore, Construction of any dam or dike which is capable of impounding water to a depth of 10 feet or more at any point, or will impound a volume of 10 acre feet or more at normal pool level, will require a reservoir permit from the Department of Ecology prior to construction.

Mr. Posey
February 12, 2010
Page 2

If you have any questions concerning the Water Resources comments, please contact Breann Zimmerman at (509) 454-7647.

Water Quality

Project Greater-Than 1 Acre with Potential to Discharge Off-Site

An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

The permit requires that Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading or construction.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lynda Jamison at the Dept. of Ecology, (509) 575-2434, with questions about this permit.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012



February 1, 2010

File No. SP10-02
Date 3-24-10
Exhibit No. 21
Received by LD

Benton County Planning Department
Planning Annex
PO Box 910
Prosser WA 99350

Subject: EA 10-03/SP 10-02 SEPA Response

Gentlemen:

A review of the proposed three phase construction of mini-storage units does not appear to propose any mine extraction related activity. The project proposes to cover the surface of the completed project with gravel but does not appear to be producing or exporting any mineral product from the project area. If this project does plan to export mineral material (sand, soil, rock, gravel, etc.) from this 6 acre proposed development, a Department of Natural Resources (DNR) Surface Mine Reclamation Permit may be required prior to such exportation of material. Thank you for the opportunity to comment on the proposed project.

Sincerely,

Lorraine Powell

Division of Geology and Earth Resources
Washington State Department of Natural Resources
1111 Washington Street SE
PO BOX 47007
Olympia WA 98504-7007
(509) 925-0982
(360) 902-1782 Fax

RECEIVED
FEB 1 2010
Benton County
Planning Department

RECEIVED

FEB - 2 2010

Benton County
Planning Department



File No. SP10-02
Date 3-24-10
Exhibit No. 22
Received by CD

AGRICULTURAL DISTRICT (A)

SECTIONS:

11.16.010 Permissible Use of Buildings
11.16.020 Building Site
11.16.030 Front Yard
11.16.040 Side Yard
11.16.050 Rear Yard

11.16.010 PERMISSIBLE USE OF BUILDINGS. In the agricultural district, no building or premises shall be used nor shall any building or structure hereafter be erected or altered unless otherwise provided in this title, except for one or more of the following uses:

- (a) Any use permitted in the residential district.
- (b) Manufactured homes (mobile homes).
- (c) Agricultural, floriculture, horticulture, nursery, general farming, dairying, poultry raising and stock raising except commercial hog ranches.
- (d) Stands for the display and sale of products raised or grown on the premises when located not less than twenty (20) feet from any public street or highway.
- (e) Not more than two (2) signs, having an area of not more than six (6) square feet in each sign, advertising the sale of products raised on the premises.
- (f) Accessory buildings ordinarily appurtenant to the conduct of farming and agriculture and when located not less than seventy-five (75) feet from any public street or highway.
- (g) Community club houses, golf courses, parks and play grounds, and public utility buildings, such as pumping plants and substations.

(h) Stills, packing sheds or warehouses for the processing or protection of agricultural products.

(i) Two, three and four manufactured (mobile) homes on an individual lot; provided, the use is approved pursuant to BCC 11.52.065.

(j) Accessory equipment structure ancillary to a legal communication facility.

(k) Onsite hazardous waste treatment and storage facilities as an accessory use to a permitted or special permitted use, provided that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210.

[NOTE: This section is continued on the following page.]

(l) Any of the following uses may be allowed; provided, the use is approved pursuant to BCC 11.52.067:

- (1) Adult family homes.
- (2) Mini-day care homes/centers.
- (3) Family day care homes.

(m) Communication facilities; provided, the use complies with and is approved pursuant to the provisions of Chapter 11.65 BCC or is exempt therefrom pursuant to BCC 11.65.030(b), BCC 11.65.030(c), BCC 11.65.030(d), or BCC 11.65.030(e).

(n) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided: (i) the wind turbine height must be less than sixty (60) feet; (ii) 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; and (iii) the wind turbine tower base 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).

(o) Any of the following uses may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090:

(1) Any use not otherwise permitted by BCC 11.16.010(a) through BCC 11.16.010(n) that is permitted in the suburban district outright or by review and approval by the Planning Director or by the Board of Adjustment.

(2) Industrial or manufacturing plants such as feed mills, canneries, sand and gravel pits, stone quarries and similar uses for processing of agricultural products or the development of natural resources.

(3) Swine raising, provided that no permit shall be issued for commercial hog ranches within a distance of five-hundred (500) feet from any dwelling other than the dwelling situated

on the same premises with such hog ranch or within a distance of three-hundred (300) feet from any public street or highway.

- (4) Summer resorts, dance halls, and similar uses.
- (5) Outdoor advertising signs or billboards.
- (6) Rental storage facilities such as mini warehouses; provided, that all objects stored shall be within fully-enclosed and covered structures that meet the standards of the International Building Code. The Board of Adjustment may approve outside storage of recreational vehicles in an area that does not exceed thirty (30) percent of the total site area of the property on which the mini warehouses will be located. Further provided, that no retail or wholesale commercial activities shall be conducted wholly or partially on the site.
- (7) Limited home occupation type activity involving the display and sale of products on the premises.
- (8) Manufactured (mobile) home parks, pursuant to chapter 3.22 BCC (Manufactured Home Park Ordinance.)
- (9) A temporary real estate office may be located within a recorded plat of residential lots exclusively for the purpose of selling real estate within that plat and/or a temporary office and yard of a contractor or manufactured home dealer may be located within a recorded plat of residential lots exclusively for the purpose of construction or location of homes within that plat; provided that such real estate office and/or contractor's/dealer's office and yard shall be permitted for a period not exceeding one (1) year from the date of approval by the Board of Adjustment. A one (1) year time extension may be granted by the Board of Adjustment upon written request by the applicant at least thirty (30) days prior to the expiration date of the initial one (1) year period. Such extension may be granted only after consideration by the Board of Adjustment at a regular public meeting and following notification by mail of property owners within the subject plat and owners within three-hundred (300) feet of the subject plat.
- (10) Agriculturally based recreational and sales facility with accessory uses. All sales and accessory uses must be subordinate to the main use and operated only during the time the main use and/or organized events are being conducted on

site. Main uses - such as covered arena, rodeo events, sales ring (livestock), circus, sporting events, etc. Accessory uses - such as veterinary office, tack shop, concession areas, R.V. sites, novelty shops, restaurants, etc.

(11) Recreational vehicle parks.

(12) Day care centers.

(13) Day care homes.

(14) Shooting Range Facility.

(15) Landscaping business.

(16) Airstrip (personal).

(17) 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 detached accessory building if they meet the following criteria as well as any other conditions required by the Board of Adjustment:

(a) 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.

(b) 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.

(c) The business activity, including all storage space, shall not occupy more than eighteen hundred (1800) square feet of total floor area within the detached accessory building.

(d) 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 subsection (c) above.

(e) 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.

(f) 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.

(g) 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 District Health Department, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations.

(h) Adequate off-street parking, as determined by the Board of Adjustment, must be provided.

(i) 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.

(j) 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 Board of Adjustment.

[Ord. 62 (1960) § 1; Ord. 112 (1976) § 3; Ord. 116 (1976) § 4; Ord. 123 (1977) § 3; Ord. 133 (1979) § 6; Ord. 152 (1981) § 4; Ord. 155 (1982) § 1; Ord. 164 (1983) § 1; Ord. 167 (1983) § 4; Ord. 222 (1988) § 2; Ord. 235 (1991) § 4; Ord. 306 (1997) § 2; Ord. 342 (1998) § 1; Ord. 367 (2001) § 1; Ord. 371 (2001) § 3; Ord. 373 (2001) § 2; Ord. 380 (2002) § 2; Ord. 434 (2006) § 1]

11.16.020 BUILDING SITE. No site area is required except that all single family dwellings, manufactured (mobile) homes, multiple family dwellings, manufactured (mobile) home parks and recreational vehicle parks, when permitted, shall conform to the building site regulations required for such buildings in the suburban district and/or chapter 3.22 BCC (manufactured home park

[NOTE: This section is continued on the following page.]

ordinance) or the recreational vehicle park ordinance.
[Ord. 62 (1960) § 1; Ord. 133 (1979) § 7; Ord. 167 (1983) § 5]

11.16.030 FRONT YARD. (a) There shall be a front yard setback of at least fifty-five (55) feet from the centerline of any city, county or state road right-of-way of sixty (60) feet or less in width. If the right-of-way width exceeds sixty (60) feet, the setback then shall be at least twenty-five (25) feet from the property line.

(b) No building shall be hereafter erected or altered so any portion thereof shall be nearer to the front property line than the distance indicated in the preceding subparagraph, EXCEPT eaves, cornices, belt course, and similar ornamentations may project over a front yard not more than two (2) feet. Steps, terraces, platforms, and porches having no roof covering and being not over forty-two (42) inches in height may extend into a front yard.

(c) There shall be a front yard setback of at least twenty-five (25) feet from any access and/or combined access and utility easement adjacent to or within the property.
[Ord. 62 (1960) § 1; Ord. 146 (1981) § 3]

11.16.040 SIDE YARD. (a) There shall be a side yard of at least ten (10) feet on each side of any dwelling, multiple family dwelling, manufactured home (mobile home) or accessory structure, provided that on a corner lot the side yard on the street side shall be at least fifty-five (55) feet from the centerline of any city, county, or state road right-of-way sixty (60) feet or less in width. If the right-of-way exceeds sixty (60) feet, the setback shall be at least twenty-five (25) feet from the property line.

(b) No building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard, EXCEPT:

(1) Eaves, cornices, belt courses, and similar ornamentations may extend over a side yard for a distance of not more than two (2) feet.

(2) Platforms, terraces, and steps, not over forty-two (42) inches in height may extend into the side yard.

(3) Fireplaces may extend into a side yard a distance of not more than eighteen (18) inches.

(c) There shall be a side yard setback of not less than twenty-five (25) feet from any access and/or combined access and utility easement adjacent to or within the property.
[Ord. 62 (1960) § 1; Ord. 146 (1981) § 3]

11.16.050 REAR YARD. (a) There shall be rear yard of not less than twenty-five (25) feet.

(b) No dwelling, multiple family dwelling or manufactured home (mobile home) shall be hereafter erected or altered so that any portion thereof may be nearer to the rear lot line than the distance indicated by the depth of the required rear yard, EXCEPT eaves, cornices, steps, platforms, and open porches may extend into the rear yard.

(c) An accessory structure may be located within the required rear yard but no closer than ten (10) feet to the property line provided that no more than forty (40) percentum of the rear yard is occupied by the accessory building.

(d) There shall be a rear yard setback of not less than twenty-five (25) feet from any access and/or combined access and utility easement adjacent to or within the property. (Applies to all buildings including accessory structures.)

(e) For property that has the rear yard adjacent to a street (double frontage lots) all buildings or accessory structures shall be at least fifty-five (55) feet from the centerline of any city, county, or state road right-of-way sixty (60) feet or less in width. If the right-of-way width exceeds sixty (60) feet, the setback shall be at least twenty-five (25) feet from the property line.

[Ord. 146 (1981) § 3]

February 11, 2010

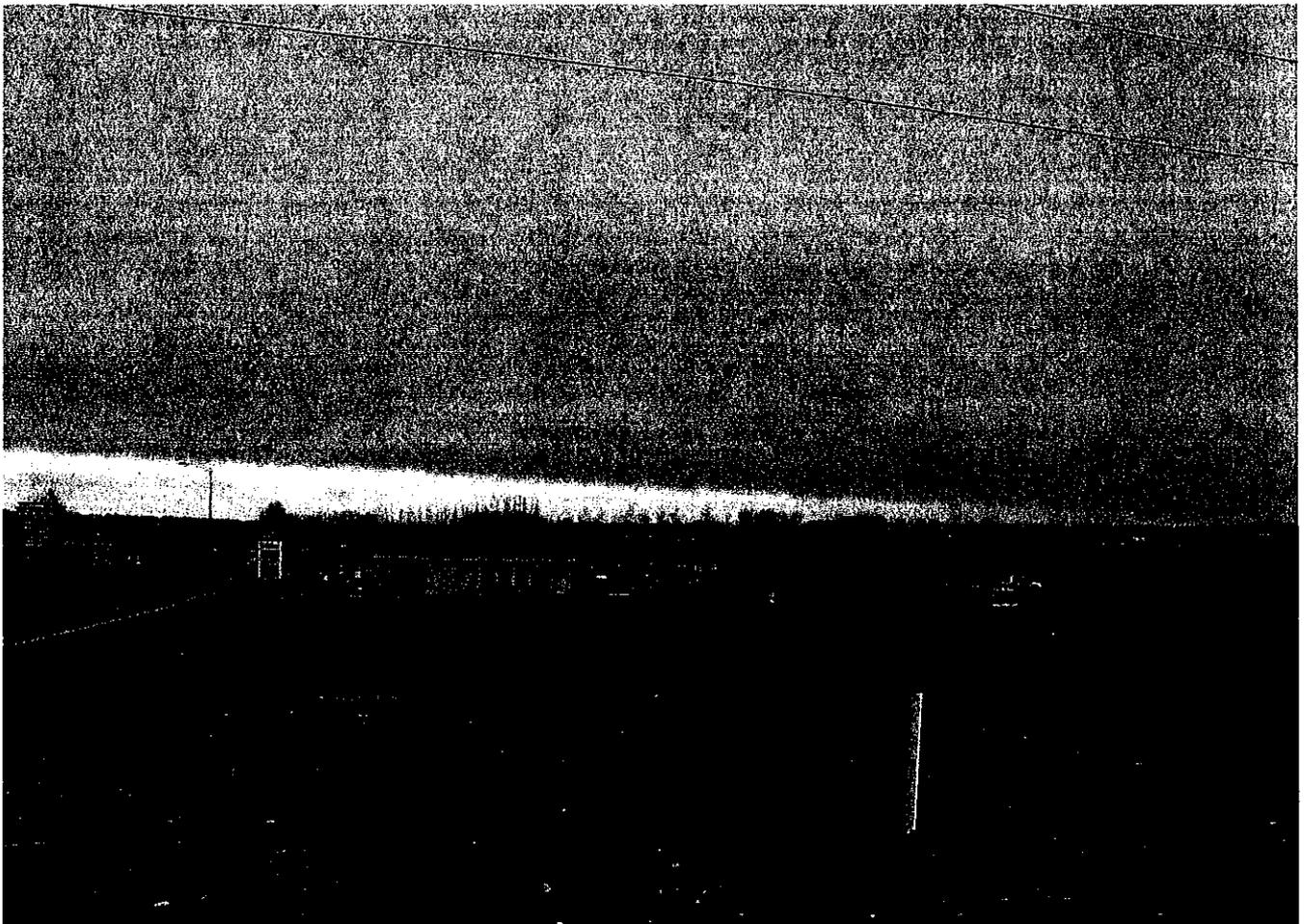
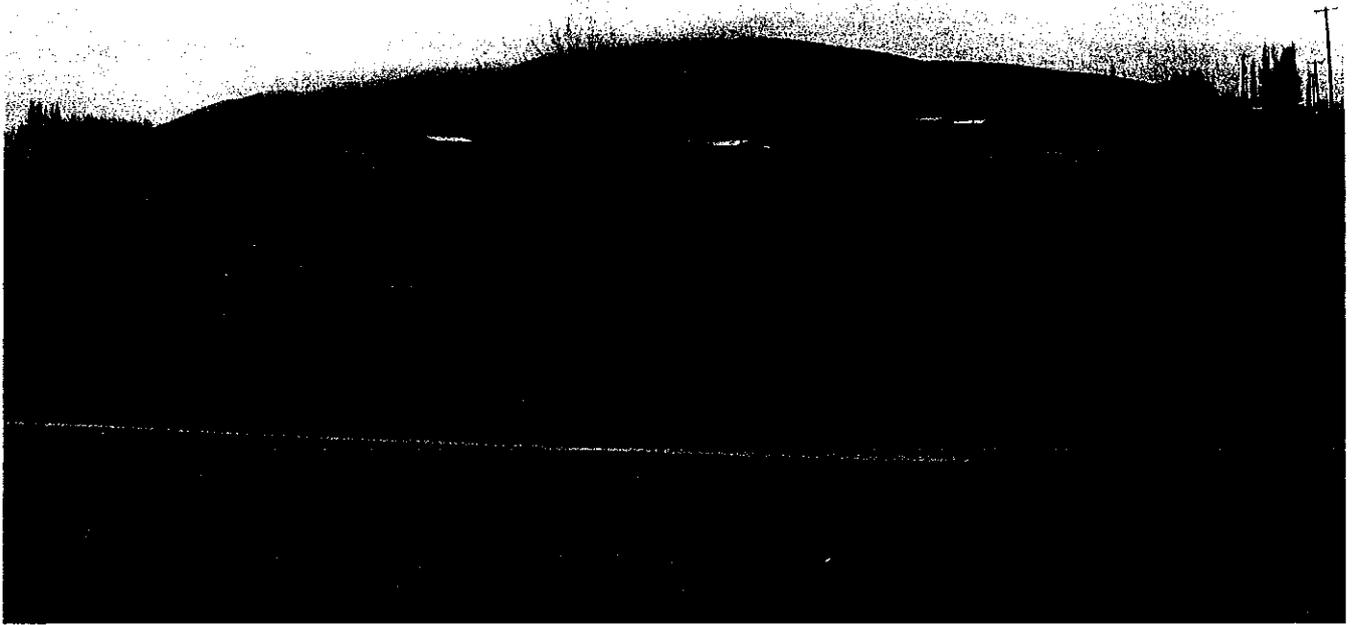
File No. 5P10-02

Date 3-24-10

Exhibit No. 23

Received by CD





**RECONSIDERATION
VAR 09-09
APPLICANT
KEITH MARKS**

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

MEMO DATE: NOVEMBER 19, 2009
HEARING DATE: DECEMBER 3, 2009
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: VARIANCE APPLICATION – VAR 09-09

File No. VAR 09-09
Date 11-19-2009
Exhibit No. 1
Received by ch

APPLICANT/
PROPERTY OWNER: KEITH MARKS, 17805 S. 2085 PRSE. KENNEWICK, WA 99336.

SPECIFIC REQUEST: The applicant, Keith Marks, is requesting approval of Variance Application VAR 09-09 for a variance to BCC 11.60.040(c) for a fifteen (15) foot reduction from the required twenty-five (25) foot side yard setback from an access easement for a 20-foot by 20-foot accessory building.

EXHIBITS:

- Exhibit No. 1: Staff Memo dated November 19, 2009
- Exhibit No. 2: VAR 09-09 Application
- Exhibit No. 3: Site plan.
- Exhibit No. 4: Vicinity Map
- Exhibit No. 5: Notice of Open Record Hearing, published November 19, 2009.
- Exhibit No. 6: Comments from Benton County Dept of Public Works -November 18, 2009.
- Exhibit No. 7: Comments from Benton County Fire Marshal - November 15, 2009.
- Exhibit No. 8: Comments from Benton County Building Department - November 13, 2009.
- Exhibit No. 9: Comments from Kennewick Irrigation District - November 12, 2009.
- Exhibit No. 10 Photos of the site taken November 18, 2009
- Exhibit No. 11: Aerial Photo of the site taken in 2008.

BACKGROUND:

Site Location: The site is located at 17805 S. 2085 PRSE on the North 400 feet of the West 200 feet of the East One/Half of the Northwest Quarter of the Northeast Quarter, in Section 16, Township 8 North, Range 30 East W.M.

Land Use: The site and surrounding properties are developed with single-family dwellings and agricultural uses.

Zoning: The site and surrounding areas are zoned Rural Estates.

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands – 5".

State Environmental Policy Act: Categorically exempt from the requirements of the Washington State Environmental Policy Act as outlined in WAC 197-11-800(6)(b).

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Revised Code of Washington RCW 36.70.810, requires that the following findings be made prior to the granting of the variance and the applicant should be prepared to demonstrate before the Board of Adjustment that such findings exist.
 - a. Variances granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and the zone in which the property is situated.
 - b. That strict application of the Zoning Ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zoning classification because of special circumstances applicable to subject property including size, shape, topography, location or surroundings
 - c. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.

2. Benton County Code Section 11.52.088(b) states:

"Variance—General Standards. The variance application process allows the Board of Adjustment in specific cases, as provided in RCW 36.70.810, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purpose and intent of this title and is accordance with the requirements of this section. However, the Board of Adjustment shall not grant variances to land uses or density requirements."

3. Benton County Code Section 11.52.088(e) provides:

"Variance—Permit Granted. (1) A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

 - (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
 - (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
 - (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
 - (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;

- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
 - (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
 - (vii) the variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
 - (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.
- (2) The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by subsection (e)(1) above.
4. Benton County Code Section 11.60.040 of the Benton County Code provides:
11.60.040 SIDE YARD. (a) There shall be a side yard of at least ten (10) feet on each side of any dwelling, multiple family dwelling, manufactured home (mobile home) or accessory structure, provided that on a corner lot the side yard on the street side shall be at least fifty-five (55) feet from the centerline of any city, county, or state road right-of-way sixty (60) feet or less in width. If the right-of-way width exceeds sixty (60) feet, the setback then shall be at least twenty-five (25) feet from the property line.
- (b) No building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard, EXCEPT:
- (1) Eaves, cornices, belt courses, and similar ornamentations may extend over a side yard for a distance of not more than two (2) feet.
 - (2) Platforms, terraces, and steps, not over forty-two (42) inches in height may extend into the side yard.
 - (3) Fireplaces may extend into a side yard a distance of not more than eighteen (18) inches.
- (c) There shall be a side yard setback of at least twenty-five (25) feet from any access and/or combined access and utility easement adjacent to or within the property.

FINDINGS OF FACT:

If the Board of Adjustment makes a decision to either approve or deny this proposal, the Board shall include in a written record of the case the findings of fact upon which the action is based. The following is information compiled by the Planning Staff as of the date of this memo. The following should be considered by the Board of Adjustment and may be used in the Boards findings of fact for this proposal.

1. The applicant/property owner for VAR 09-09 is Keith Marks, 17805 S. 2085 PR SE. Kennewick, WA 99336.
2. The applicant, Keith Marks, is requesting approval of Variance Application VAR 09-09 for a variance to BCC 11.60.040 for a fifteen (15) foot reduction from the required twenty-five (25) foot side yard setback from an access easement for a 20-foot by 20-foot accessory building
3. The site is located at 17805 S. 2085 PRSE on the North 400 feet of the West 200 feet of the East One/Half of the Northwest Quarter of the Northeast Quarter, in Section 16, Township 8 North, Range 30 East W.M.
4. The application for VAR 09-09 was submitted to Benton County on November 10, 2009 and was determined a complete application for processing on November 12, 2009.
5. The proposed variance application did not require that a Notice of Application be published.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application VAR 09-09 was published on November 19, 2009 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for December 3, 2009.
7. The property and surrounding properties are zoned Rural Estates.
8. The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands – 5".
9. The accessory building is an allowed use in the Rural Estates Zoning District. The accessory building was constructed on site, however, no building permit had been issued by the Benton County Building Department for this accessory building.
10. The existing dwelling is a 1981 doublewide manufactured home and is served by an on-site septic system and well. It appears from the site visit and the aerial photo that the existing manufactured home does not meet the required setback requirements from the access easement.
11. Question 7 of the application asks if there are special circumstances such as lot size, slope, topography or necessary size or shape of the building, which prevents compliance with the zoning ordinance. The applicant answered "None". The site plan presented by the applicant only shows the house and a 20 by 20 foot building. It does not show the other buildings located on the site or the location of the septic system. The site is flat, with several accessory buildings that meet the setback requirements. Based on the information presented by the applicant, there appears to be no special circumstances that would prohibit the applicant from building a 20' by 20' accessory building and meeting the required setbacks.
12. Question 8 of the application asks if strict application of the zoning ordinance deprives

subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification. The applicant's answer is: There are many examples of a 10' side yard." The side yard setback in the Rural Estates Zoning District is 10 feet; however, when the side yard is next to an access easement that setback is 25 feet from the edge of the access easement. It appears that buildings on the lots to the south of the applicant's site meet the 25-foot setback from the access easement.

13. The applicant has not identified a problem to be addressed by this variance application.
14. No information has been presented that the placement of the structure in the location as shown on the site plan would be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification. However, the location could impact the widening of the access easement in the future if it is needed.
15. No information has been presented that the placement of the structure in the location as shown on the site plan would adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested. However, the location could impact the widening of the access easement in the future if it is needed.
16. No information has been presented that the placement of the structure in the location as shown on the site plan would deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

DISPOSITION OF THE APPLICANT'S REQUEST:

A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

- (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
- (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
- (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
- (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
- (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
- (vii) the variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
- (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

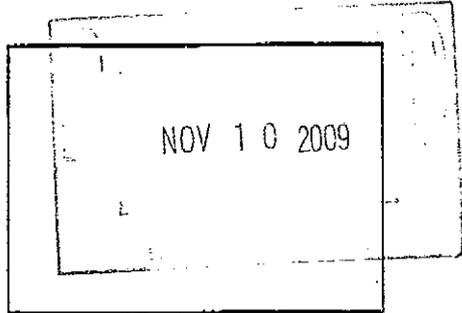
CONCLUSION:

The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by subsection above.

This staff memo does not include information received after the date of this memo or at the open record hearing. Based on the information received as of the date of this memo, the planning staff recommends that the Variance Application VAR 09-09 be denied base on the fact that the there is adequate area on the lot to construct the accessory building without encroaching onto the required setbacks. If the Board of Adjustment decides to approve Variance Application VAR 09-09, the following are suggested conditions recommended by the Planning Department:

1. Conditions 3, and 4 imposed by the Board of Adjustment must be met prior to issuance of this variance. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the variance permit until those conditions have been met. The variance shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the variance within one (1) year from the time the Board of Adjustment conditionally approved the variance, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.
3. That the applicant obtains a building/placement permit from the Benton County Building Dept. for the building and it complys with all building and fire codes of Benton County.
4. That a Washington State licensed surveyor marks the edge of the existing access easements prior to the submitting of a building permit to the Building Office. The site plan must show the location of the easements and the building.

File No. VAR 09-09
Date 11-19-2009
Exhibit No. 2
Received by CD



**BENTON COUNTY PLANNING DEPARTMENT
VARIANCE APPLICATION**
FILE NO. VAR 09-09

1. Name and address of applicant: Keith Marks
17805 S. 2085 PRSE, Kennewick, WA
Phone number: Home: 582-9396 Work: N/A

2. Legal owners name and address: Judith Lange, 621 Washington St.,
Kennewick WA, 99336, Keith Marks, 17805 S. 2085 PRSE
Kennewick, WA
Phone number: Home Judith 619-0200 Work Keith 582-9396
1-1680-100-0005-000

3. Legal description or Parcel Number of property for which permit is for: Section 16
Township B North range 30: The North 450 Feet of the
West 200 feet of the east 1/2 of the NW 1/4, of the
NE 1/4.

4. Section of the zoning ordinance under which it is claimed that a variance should be granted. (To be completed by the Planning Department).

5. A variance is being requested for the purpose of allowing a 20' x 20'
backyard to be 10' from the ~~property~~ line instead
of 25' easement

6. What is the minimum variance that will alleviate hardship? 15'

7. Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building which prevent compliance with the zoning ordinance? If so, explain:
None

8. Does strict application of the zoning ordinance deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification? If so, explain:
There are many examples of a 10' side yard.

9. The applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') unless otherwise specifically approved by the Planning Department,

The above signed officer of _____ warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit _____ (name of entity) to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

NOTE: THE VARIANCE REQUEST FEE OF \$250.00 MUST BE SUBMITTED WITH THE APPLICATION. THIS FEE IS NON-REFUNDABLE. PLEASE MAKE THE CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.

11/13/08

FOR OFFICIAL USE ONLY:

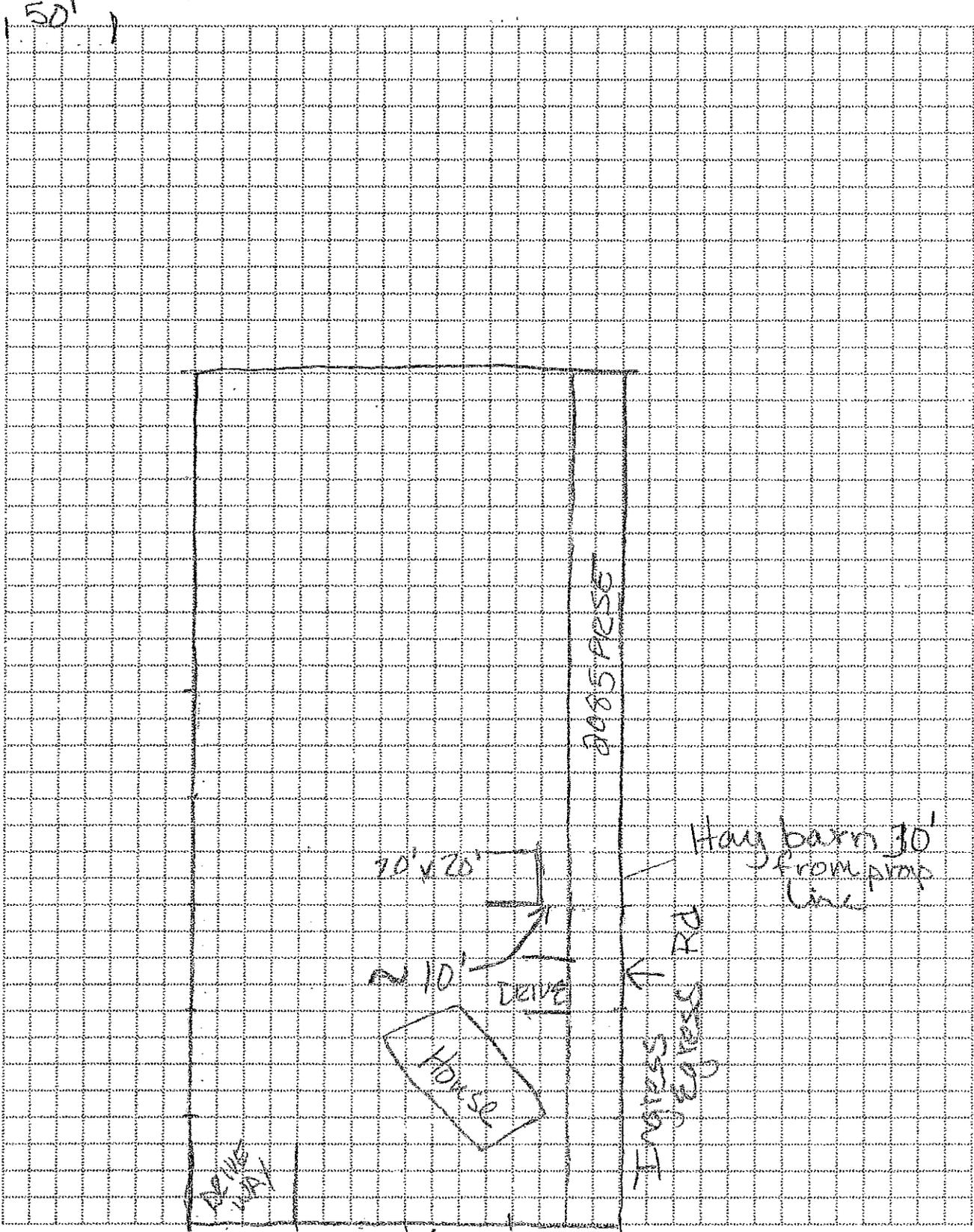
CRITICAL AREA REVIEW COMPLETED
BY RS ON 11/12/09

APPLICATION APPROVED FOR PROCESSING
BY RJL ON 11/12/09

File No. VAR 09-09
Date 11/19/2009
Exhibit No. 3
Received by cbj

SITE PLAN FOR _____
Scale 1" = 50' or 1" = 100'
Please specify

PLEASE INDICATE NORTH

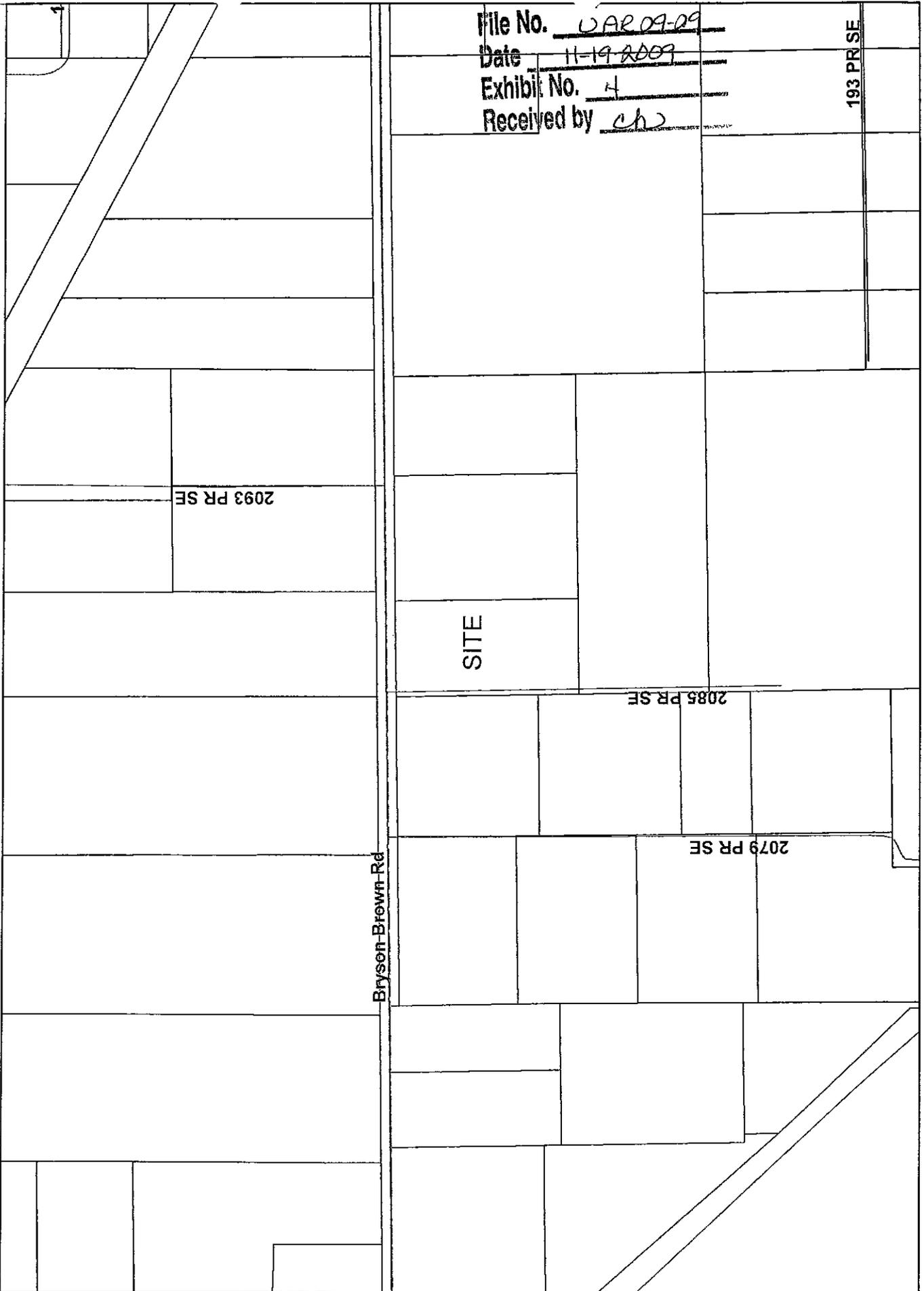


400'

N
↑

200'
Bryson
BROWN R.

Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown hereon or for any inferences made therefrom. Any use made of this information is solely at the risk of the user. Benton County makes no warranties, expressed or implied, and any oral or written statement by any employee of Benton County or agents thereof to the contrary is void and ultra vires. The information shown herein is a preliminary product of the Benton County Geographic Information Systems, and is prepared for presentation purposes only.



File No. VAR 09-09
 Date 11-19-2009
 Exhibit No. 4
 Received by ch

193 PR SE

2093 PR SE

SITE

2085 PR SE

2079 PR SE

Bryson-Brown Rd

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax: (509) 786-5629

File No. VAR 09-09
Date 11-19-2009
Exhibit No. 5
Received by ch

NOTICE OF OPEN RECORD HEARINGS

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Board of Adjustment, Benton County, Washington.

VARIANCE REQUEST – VAR 09-08 – The applicant is requesting a variance from BCC 11.08.040(a) for a reduction of four feet from the required 10-foot side yard setback for the addition of a garage onto the existing residence. Location: 4914 W Yellowstone Avenue on Lot 10 of Parkview Acres No. 1 in Section 28, Township 9 North, Range 29 East, W.M. Applicants: Christopher/Monica Burrows – 3105 W Canyon Lakes Drive – Kennewick, WA 99337

VARIANCE REQUEST – VAR 09-09 – The applicant is requesting a variance from BCC 11.60.040(c) for a reduction of 15 feet from the required 25-foot front yard setback from any access easement for the construction of a 20-foot by 20-foot hay barn. Location: 17805 S 2085 PR SE in the East Half of the Northwest Quarter of the Northeast Quarter of Section 16, Township 8 North, Range 30 East, W.M. Applicant: Keith Marks – 17805 S 2085 PR SE – Kennewick, WA 99336

SPECIAL USE PERMIT – SP 09-09 – The applicant is seeking a special use permit for the operation of a home-based breeding kennel for the keeping of up to ten adult dogs. Location: 8229 West 10th Avenue on Lot 3 of Short Plat 2864 in Section 7, Township 8 North, Range 29 East, W.M. Applicants: Terry/Gayla Davis – 8229 West 10th Avenue – Kennewick, WA 99336

NOTICE IS GIVEN that said applications will be considered by the Board of Adjustment of Benton County, Washington at public hearings conducted on Thursday, December 3, 2009 beginning at the hour of 7 p.m. in the Hearing Room - Benton County Planning Department, 1002 Dudley, Prosser, WA 99350. All concerned persons may appear and present any support for or objections to the applications or provide written testimony to the Board of Adjustment in care of the planning department on or before the date of the hearings. More information concerning these actions can be obtained by contacting Clark A. Posey, Senior Planner at the Benton County Planning Department, 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Benton County welcomes full participation in public meetings by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or required assistance to comment at this public meeting, please contact the Benton County Planning Department at the above stated phone numbers and/or address at least ten days prior to the date of the meeting to make arrangements for special needs. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department the afternoon of the hearing by 4 p.m. to confirm that the hearing will be conducted as scheduled.

Dated at Prosser, Washington on this 16th day of November, 2009.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT


CLARK A. POSEY – SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Thursday, November 19, 2009

From: Sue Schuetze
To: Clark Posey
Date: 11/18/2009 11:55 AM
Subject: VAR 09-09 MARKS

File No. VAR 09-09
Date 11-19-2009
Exhibit No. 6
Received by CR

RECEIVED

NOV 18 2009

**Benton County
Planning Department**

We have no comments on this application.

Sue Schuetze, Engineer II
Benton County Public Works
P. O. Box 1001
Prosser, WA 99350
509.786.5611 office
509.786.5627 FAX

**Benton County Fire Marshal's
Review of Proposed Planning Applications**

TO: Mike Shuttleworth

File No. VAR 09-09

Date 11-19-2009

Exhibit No. 7

Received by CD

Variance Application VAR 09-09

Date Received 11-12-09 Date Returned 11-15-09

Applicants Comments: Keith Marks, 17805 S. 2085 PR SE, Kennewick, 582-9396, proposes a 10' set back to build a hay barn.

Fire Marshal's Comments:

Required:

Must meet IBC requirements.

RECEIVED

NOV 16 2009

**Benton County
Planning Department**

From: Steve Brown
To: Carel Hiatt
Date: 11/13/2009 7:17 AM
Subject: Re: VAR 09-09 Marks;

Permit Req -SB

>>> Carel Hiatt 11/12/2009 4:00 PM >>>
VAR 09-09 Marks; Please review and comment, thank you.

Carel Hiatt
Office Manager
Benton County Planning Department
P O Box 910
1002 Dudley Avenue
Prosser, WA 99350
Tel: 509-786-5612
Fax: 509-786-5629
Email: carel.hiatt@co.benton.wa.us

RECEIVED

NOV 12 2009

Benton County
Planning Department

File No. VAR 09-09
Date 11-19-2009
Exhibit No. 8
Received by ch

Carel Hiatt - RE: VAR 09-09 Marks;

From: "Jason McShane" <JMcShane@kid.org>
To: "Carel Hiatt" <carel_hiatt@co.benton.wa.us>
Date: 11/12/2009 4:29 PM
Subject: RE: VAR 09-09 Marks;

File No. VAR 09-09
Date 11-19-2009
Exhibit No. 9
Received by ch

Carel,

Thanks for the opportunity to comment on this review. The application is outside our District Boundaries.

Thanks,

Jason McShane

From: Carel Hiatt [mailto:carel_hiatt@co.benton.wa.us]
Sent: Thursday, November 12, 2009 4:01 PM
To: Scott Parco; FIRE DISTRICT NO. 1; Benton-Franklin Dist. Health Dept.; Ken Williams; Lyle Cornish; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Jason McShane
Subject: VAR 09-09 Marks;

VAR 09-09 Marks; Please review and comment, thank you.

Carel Hiatt
Office Manager
Benton County Planning Department
P O Box 910
1002 Dudley Avenue
Prosser, WA 99350
Tel: 509-786-5612
Fax: 509-786-5629
Email: carel.hiatt@co.benton.wa.us

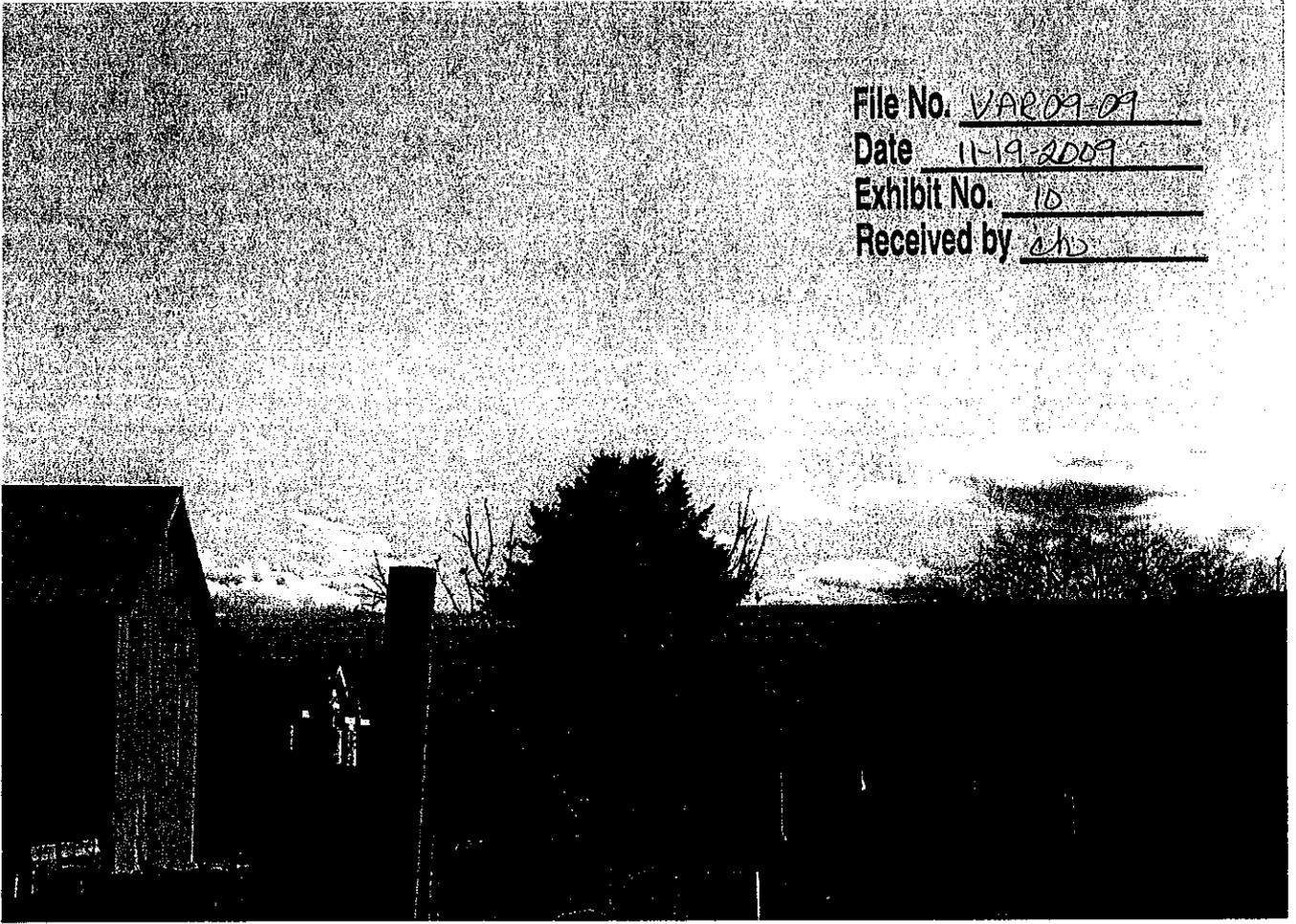
RECEIVED

NOV 12 2009

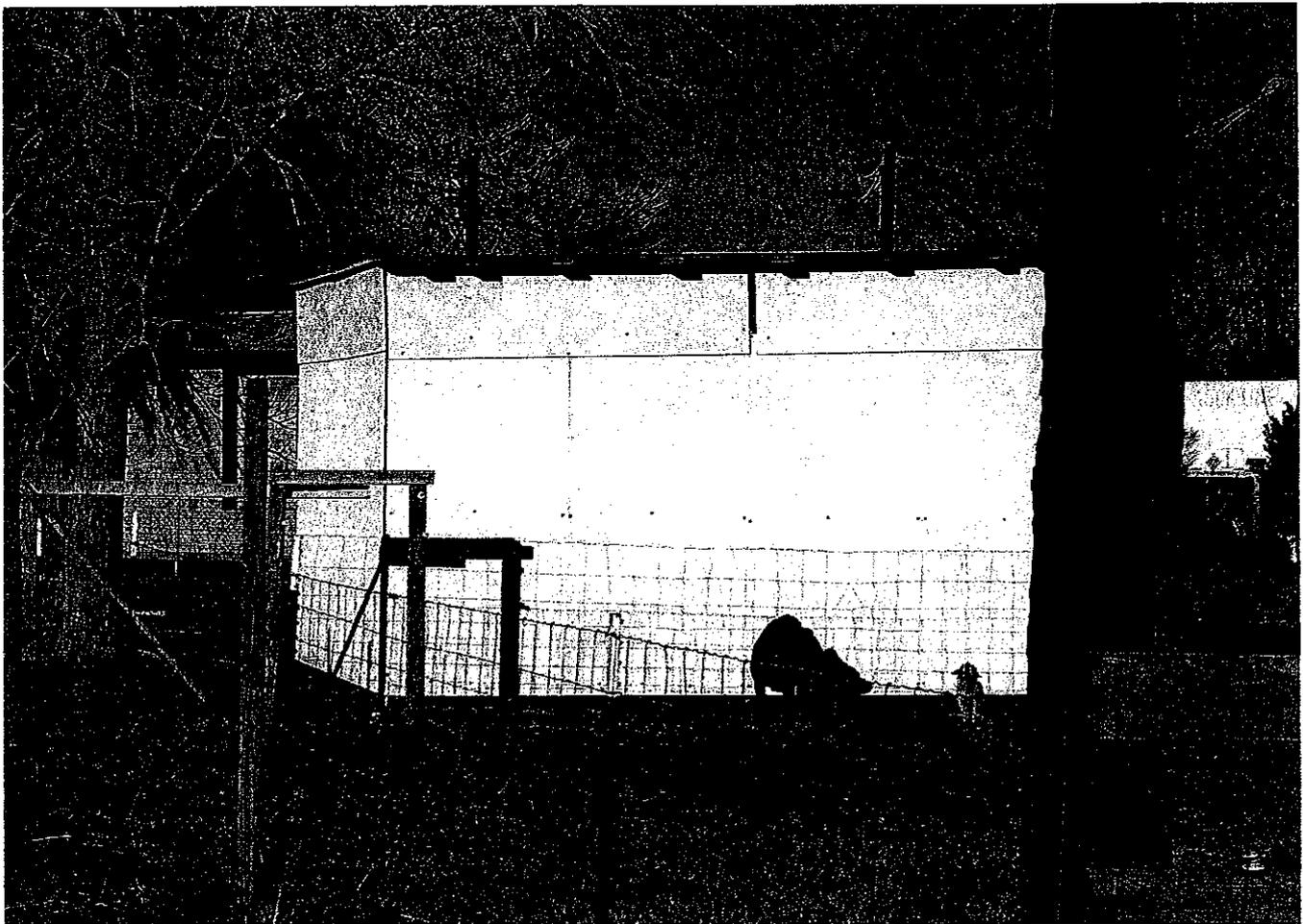
**Benton County
Planning Department**

11/18/09

File No. VA209-09
Date 11-19-2009
Exhibit No. 10
Received by ch









BENTON COUNTY
PLANNING
DEPARTMENT

SECTION 16, TOWNSHIP 8 NORTH, RANGE 30 EAST
VARIANCE APPLICATION 09-09
PRINTED 11/17/09

Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown on this map. The information shown herein is a preliminary product of the Benton County Geographic Information Systems and is prepared for presentation purposes only.

