

SPECIAL USE PERMIT

SP 10-04

ROY CONLEY

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: APRIL 22, 2010
MEETING DATE: MAY 6, 2010
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: SPECIAL PERMIT APPLICATION – SP 10-04

File No. SP10-04
Date 4-22-2010
Exhibit No. 1
Received by CA

APPLICANT/
PROPERTY OWNER: ROY R. CONLEY JR.
DBA A BIG BEE, INC
19206 N.WEBBER CANYON ROAD
BENTON CITY WA 99320

SPECIFIC REQUEST: The applicant is requesting a special use permit for the operation of a manufactured home setup business with storage for supplies.

EXHIBITS:

Exhibit No. 1: Staff Report dated March 16, 2010.
Exhibit No. 2: SP 10-04 application
Exhibit No. 3: Site plan
Exhibit No. 4: Vicinity Map
Exhibit No. 5: Notice of Open Record Hearing, published April 22, 2010.
Exhibit No. 6: Comments from the Benton Franklin Health District – March 26, 2010
Exhibit No. 7: Comments from Benton County Fire Marshal- March 25, 2010.
Exhibit No. 8: Comments from Benton County Building Department- March 25, 2010
Exhibit No. 9: Comments from Benton County Dept. Public Works- April 20, 2010.
Exhibit No. 10: Section 11.48.010 of the Benton County Code.
Exhibit No. 11: Site photos taken by planning staff on April 22, 2010.
Exhibit No. 12: Aerial Photo of the site taken in 2008.

BACKGROUND:

Site Location: The site is at 19206 N Webber Canyon Road in Sections 29 & 30, Township 9 North, Range 27 East, W.M.

Land Use: The site is currently developed with a single-family dwelling and one detached outbuilding. The surrounding properties are developed for residential and agricultural purposes. The nearest residences are located approximately 450 feet to the west and 500 feet to the east.

Zoning: The site is both in the Unclassified and Agriculture zone. Parcels north and south are zoned GMA Agriculture. The area proposed for the business is zoned Unclassified.

Comprehensive Plan Designation: Site and surrounding areas are designated "Rural Lands 5". Parcels to the north and south are listed as GMA Agriculture.

State Environmental Policy Act: This application is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Benton County Code Section 11.48.010(h) (In the Unclassified Zoning District) states that: "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."

2. 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 Section 2.

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.

3. 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. The applicant/property owner is Roy R. Conley JR dba A Big Bee, Inc. 19206 Webber Canyon Road, Benton City, WA 99320.
2. The applicant is requesting approval of a Special Permit application for the operation of a manufactured home setup business on an 11-acre parcel of land located in the Northwest Quarter of Section 29 and the Northeast Quarter of Section 30 all in Township 9 North, Range 27 East, W.M.
3. The application for SP 10-04 was submitted to Benton County on March 16, 2010, and declared complete on March 25, 2010.
4. Special Permit 10-04 did not require that a Notice of Application be published.
5. The notice for the Benton County Board of Adjustment Open Record Hearing was published on April 22, 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 May 6, 2010.
6. Special Permit Application SP 10-04 is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).
7. The site is currently developed with a single-family dwelling and one outbuilding. The surrounding properties are developed for residential and agricultural uses.
8. The site and surrounding properties are located in two different zoning districts Unclassified and Agriculture.
9. The Benton County Comprehensive Plan designates the site and surrounding areas as

"Rural Lands 5". Parcels north and south are designated GMA Agriculture.

10. The applicant was routed to the following for comments of which none were received: Benton County Department of Public Works, Benton County Building Department, Benton County Fire Marshal and Kennewick Irrigation District, Benton County Fire District #1, Benton Clean Air Authority, Washington State Department of Health, Benton County Code Enforcement Officer, Washington State Department of Ecology, Benton PUD, and Verizon.
11. The Board of Adjustment has approved special permit applications for like businesses in the applicable zoning districts.
12. The applicant did not request any signage.
13. The hours of operation would be between 6 a.m. to 6 p.m. Monday to Sunday.
14. No comments have been received from property owners within 300 feet of the perimeter of the lot for which the permit is being requested.
15. The proposed use would 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 Unclassified zoning districts such as schools, churches, libraries, community club houses, stills, packaging sheds and five borders and/or lodgers in any one family dwelling unit. There is no testimony that this application would be detrimental.
16. The proposed use as shown in the application 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 Unclassified zoning districts such as schools, churches, libraries, community club houses, stills, packaging sheds.
17. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area. There is no evidence to support that the site would not be adversely affected. The residence on site is served by all the necessary services.
18. The surrounding area is not completely developed however, the proposed use as shown in the application is unlikely to hinder or discourage the development of permitted uses on neighboring properties in the Unclassified Zoning District as a result of the location of the manufactured home moving business if the conditions as requested by the Planning Staff were required.

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 10-04, 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:

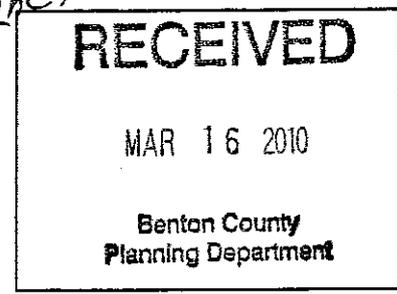
1. Applicant shall not conduct any of the activities within the scope of Special Permit 10-04 until they are in compliance with all the conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The 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 applicants 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. The requested special permit shall not be granted for the keeping of more than 5 vehicles advertising the business on the site at any time. The applicant shall continue to meet all such requirements while Special Permit SP 10-04 is in effect.
4. That the operation of the manufactured home installation business will be established between the hours of 6 a.m. and 6 p.m. Monday to Sunday. The applicant shall continue to meet all such requirements while Special Permit SP 10-04 is in effect.
5. 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 Health Department, 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 10-04 is in effect.
6. That any waste created in association with the manufactured home installation business as a result of this special permit must be disposed of off-site in a timely manor and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Special Permit SP 10-04 is in effect.

**BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE/SPECIAL PERMIT APPLICATION
FILE NO. SP 10-04**

File No. SP 10-04
Date 4-23-2010
Exhibit No. 2
Received by CW

15833



1. Applicant Name: Roy R Conley Jr / A Bi'g Bee Inc.
Applicant Address: 19206 N Webber Canyon rd N.E.
Benton City, WA 98932
Telephone number: Home 509 952 6509 Work 509 588 5609

2. Legal owners name: Roy and Regina Conley
Legal Owners address: same
Telephone number: Home 1 Work 1

3. Parcel Number or Legal description of property for which permit is for: 1-2997-201-1884-001

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

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.** To Conduct Manufacture home
set up Business from Part of The Property -
Parking of only some Company vehicles and storage of
Supplies

6. The property will be served by:

WATER:	Well _____	Private System _____	City System _____
SEWER:	Septic Tank _____	City Sewer _____	
POWER:	PUD <u>X</u>	REA _____	
PHONE:	Yes <u>X</u> No _____	Name of Utility _____	
GAS:	Yes _____ No _____	Name of Utility _____	
CABLE:	Yes _____ No _____	Name of Utility _____	
IRRIGATION:	Yes _____ No _____	Name of Utility _____	
PRIVATE IRR.	Yes _____ No _____		

7. Total acres of property: 11.0 Zoning Classification of Property: AG / unclassified
Comprehensive Plan Designation RL5

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: house - 2 small sheds one with well
septic.

9. Describe existing structures and present land uses in the surrounding area of your property: Vacant To
The South After Canal - E + W have Residents

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- Is there a residence on site? Yes X No _____
- Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes X No _____
- Does at least one of the proprietors live in said residence? Yes X No _____
- List the number of non-resident employees. 3
- What is the **total** square footage of the detached building to be used for the business?
240'
- What is the **total** square footage that will be used for the business activity? 240'
- Is only one detached building to be used for the business activity? Yes X No _____
- Are any signs going to be used with the business activity? Yes _____ No X

If Yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used.

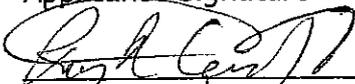
- I. State the number of vehicles marked to identify the business to be stored on site. 5
- j. List the number of off street parking spots unlimited - 5 Acres
- k. What County Road does the site access off of? Webber Canyon Rd
- L. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week Mon - Mon 7 days a week Hours of Operation 6 AM - 6 PM

- 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:

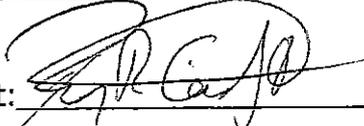
I certify that the information given above is true and complete.

Signature Block for individuals only.

	<u>Roy R Conley Jr</u>	<u>3-16-10</u>
Applicant's Signature	Print Name	Date
	<u>Roy R Conley Jr</u>	<u>3-16-10</u>
Signature of Legal Owners	Print Name	Date
<u>Roy R Conley</u>	<u>Roy R Conley</u>	<u>3-16-10</u>
Signature of Person with additional ownership interest	Print Name	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: 

By: Roy R Conley Jr, Director
(print name) (Title)

REC

Signature: _____

(Signature)

Director

(Title)

The above signed officer of A Big Bee Inc warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit A Big Bee Inc _____ (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.

11/19/09

FOR OFFICIAL USE ONLY:

Critical Area Review Completed by Clark on 3/16/10

Application approved for processing by Clark on 3/16/10

Zoning Ag / unclassified Comp Plan Designation RL 5

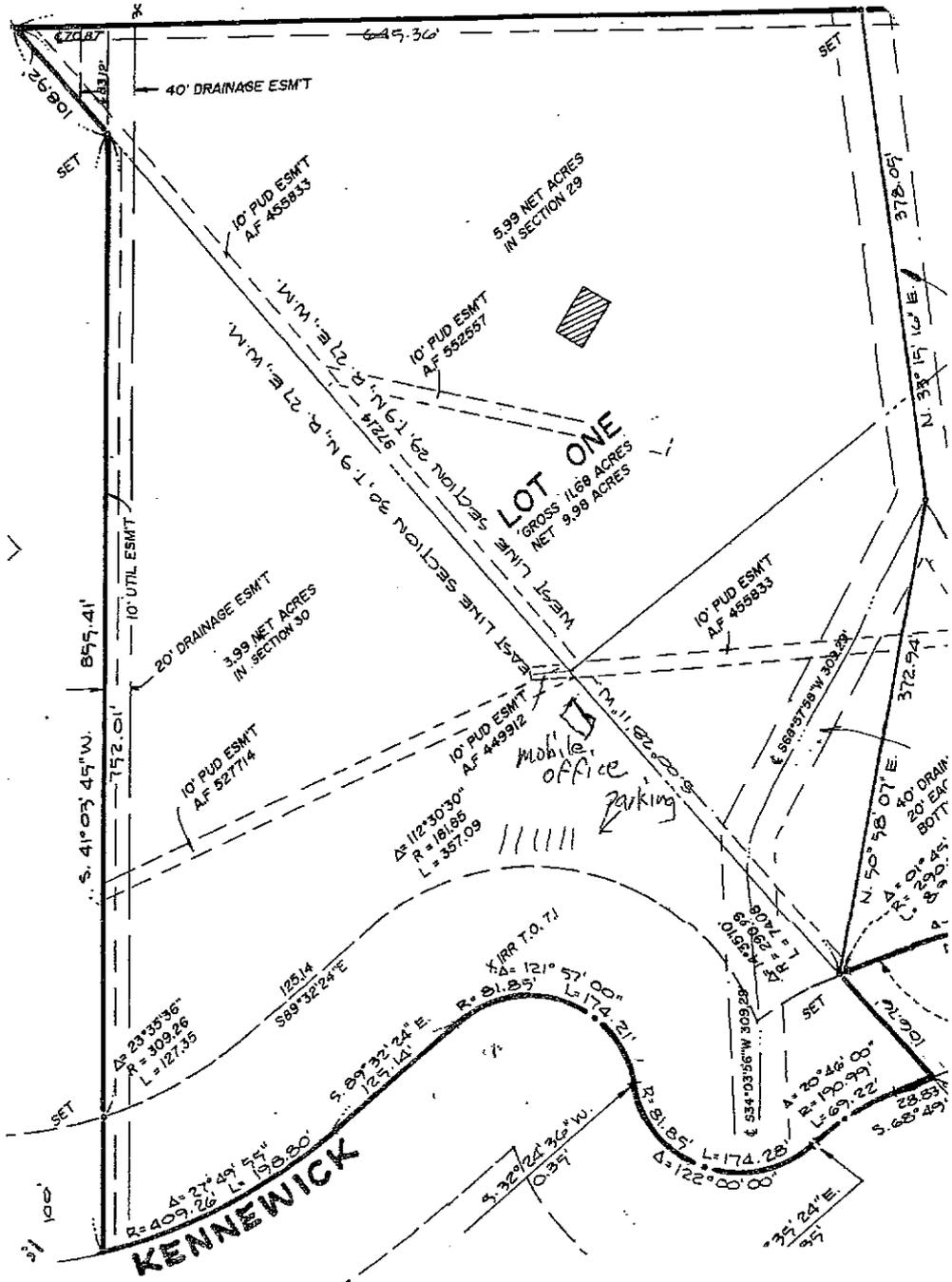
Short Plat 1884

File No. SP10-04

Date 4-22-2010

Exhibit No. 3

Received by CU



BENTON COUNTY
PLANNING
DEPARTMENT

SP 10-04

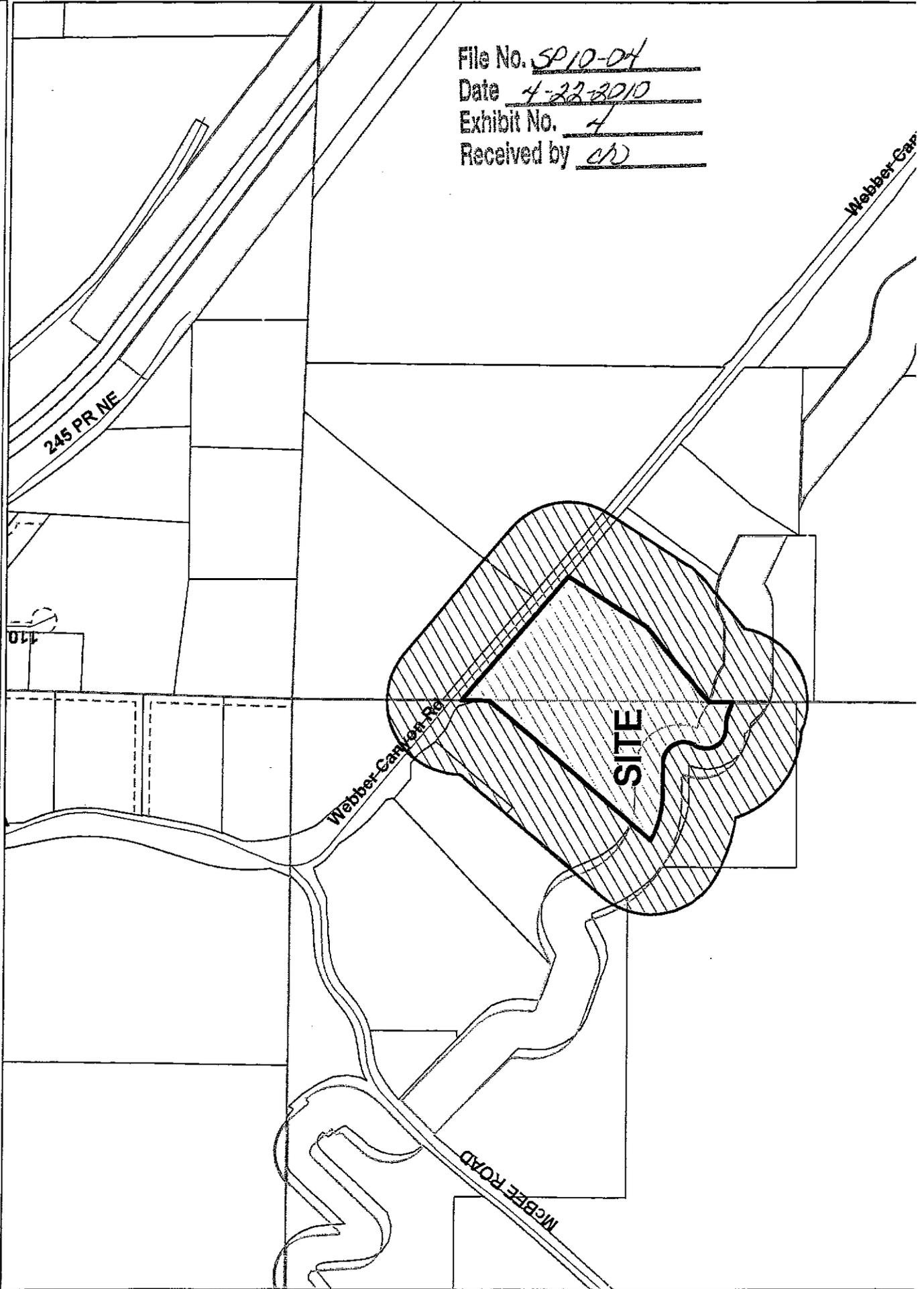
SECTION 29 TOWNSHIP 9 NORTH, RANGE 27 EAST

SP 10-0

ROY E. CONLEY

PRINTED 03/16/10

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File No. SP10-04
Date 4-22-2010
Exhibit No. 4
Received by CD

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) 786-3629

File No. SP10-04
Date 4-22-2010
Exhibit No. 5
Received by cb

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.

SPECIAL USE PERMIT – SP 10-04 – for the operation of a manufactured home setup business including storage of supplies. The site is located at 19201 N Webber Canyon Road on Lot 1 of Short Plat 1884 in Section 29 and 30, Township 9 North, Range 27 East, W.M. Applicant: Roy R. Conley Jr. 19201 N Webber Canyon Road – Benton City, WA 99320

SPECIAL USE PERMIT – SP 10-05 – for the operation of a customization and restoration of old cars including the sale of aftermarket accessories. The site is located at 22206 E Kennedy Road on Lot 4 of Short Plat 2653 in Section 16, Township 9 North, Range 27 East, W.M. Applicant: Trish Trickett – 22206 E Kennedy Road – Benton City, WA 99320.

SPECIAL USE PERMIT – SP 09-03 – for the operation of a rock crushing and screening business and equipment storage to include the sale of rock products. The site is located on Lot 1 of Short Plat 2849 in the North Half of the Southeast Quarter of the Northeast Quarter of Section 12, Township 8 North, Range 28 East, W.M., lying West of Hildebrand Road and East of Wheat Road. Applicant: Mike M. Johnson – 313 Canyon Lakes Drive – Kennewick, WA 99337

NOTICE IS GIVEN that said application will be considered by the Board of Adjustment of Benton County, Washington at a public hearing on Thursday, May 6, 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 16th day of April, 2010.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

CLARK A. POSEY – SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Thursday, April 22, 2010

Find us on the web at www.co.benton.wa.us

Planning Department - SP 10-04 Conley

From: "Shawn Brown" <shawnb@bfhd.wa.gov>
To: <planning.department@co.benton.wa.us>
Date: 3/26/2010 4:09 PM
Subject: SP 10-04 Conley

File No. SP 10-04
Date 4-22-2010
Exhibit No. 6
Received by SP

To Whom It May Concern:

With regards to the above referenced proposed special use permit, this office has the following comments:

1. This office does not have any records of the existing septic system. Because of this, we have no way of evaluating whether the proposed business and parking spaces will affect the existing septic tank and drainfield.
2. In the event that the new business is housed in a separate building containing water and a bathroom, it must be served by its own septic system that is permitted, inspected and approved by this office. Also, the well serving water to this building must be approved as a public water supply.

If you have any questions, please contact me at the number below.

Shawn Brown
Environmental Health Specialist I
(509)460-4320
Benton-Franklin Health Department
7102 W. Okanogan Place Kennewick, WA

IMPORTANT: *Email coming & going from our agency is not protected, thus client information can not be shared in this format. Please use voicemail or fax for client communication. The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email in error, please notify the system manager or the sender immediately and do not disclose the contents to anyone or make copies thereof.*

RECEIVED

MAR 26 2010

Benton County
Planning Department

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

TO: Clark A. Posey

Special Use Permit 10-04

Date Received 3-25-10 **Date Returned** 3-29-10

File No. SP 10-04
Date 4-22-2010
Exhibit No. 7
Received by ED

Applicant's Comments: Roy & Regina Conley, 19206 N. Webber Canyon Rd. NE. Benton City, 952-6509 proposes to conduct a manufacture home set up business from their property on parcel 1-2997-201-1884-001.

Fire Marshal's Comments:
None.

Required

None

RECEIVED

MAR 30 2010

Benton County
Planning Department

From: Steve Brown
To: Carel Hiatt
Date: 3/25/2010 3:54 PM
Subject: Re: SP 10-04 CONLEY;

File No. SP10-04
Date 4-22-2010
Exhibit No. 8
Received by CD

Have them check with The Building Dept. for possible permit requirements. -SB

>>> Carel Hiatt 3/25/2010 3:22 PM >>>
SP 10-04 CONLEY; PLEASE REVIEW AND SUBMIT COMMENTS, 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

MAR 25 2010

Benton County
Planning Department

From: Sue Schuetze
To: Clark Posey
Date: 4/20/2010 4:47 PM
Subject: SP- 10-04 Roy R. Conley, Jr

File No. SP10-04
Date 4-22-2010
Exhibit No. 9
Received by CD

SP- 10-04 Roy R. Conley, Jr

The approach for this property was paved during our recent construction of Webber Canyon so no other work will be required.

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

CHAPTER 11.48
UNCLASSIFIED DISTRICT (U)

File No. SP10-04
Date 4-22-2010
Exhibit No. 10
Received by CD

SECTIONS:

11.48.010	Permissible Use of Buildings
11.48.020	Building Site
11.48.030	Front Yard
11.48.040	Side Yard
11.48.050	Rear Yard

11.48.010 PERMISSIBLE USE OF BUILDINGS. In the unclassified district, no buildings or premises shall be used nor shall any building or structure be hereafter erected, except for one or more of the following uses:

- (a) Any use permitted outright in the agricultural district.
- (b) Manufactured home (mobile home) on individual lot.
- (c) All current and energy related uses on the Hanford site shall be permitted.
- (d) Two, three and four manufactured (mobile) homes on an individual lot; provided, the use is approved pursuant to BCC 11.52.065.
- (e) Offsite hazardous waste treatment and storage facilities 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, provided that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
- (f) 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).

(3) Fireplaces may extend into a side yard a distance of at least 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.
[Ord. 136 (1980) § 5; Ord. 146 (1981) § 4]

11.44.050 REAR YARD. (a) There shall be a rear yard of at least 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) § 4]

11-42.02

(BCC 3/16/81

(g) 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.

(h) All other uses of property not otherwise prohibited by laws of Benton County or the State of Washington, in addition to those listed below, may be allowed only by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090.

- (1) Day care centers.
- (2) Day care homes.
- (3) Residential care facilities.

[Ord. 62 (1960) § 1; Ord. 123 (1977) § 6; Ord. 135 (1979) § 2; Ord. 167 (1983) § 11; Ord. 222 (1988) § 6; Ord. 235 (1991) § 8; Ord. 371 (2001) § 11]

11.48.020 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 ordinance) or the recreational vehicle park ordinance.

[Ord. 62 (1960) § 1; Ord. 110 (1975) § 2; Ord. 135 (1979) § 3; Ord. 167 (1983) § 12]

[NOTE: Chapter 11.48 BCC is continued on the following page.]

11.48.030 FRONT YARD. (a) There shall be 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. 110 (1975) § 2; Ord. 135 (1979) § 4; Ord. 146 (1981) § 5]

11.48.040 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.

[Ord. 62 (1960) § 1; Ord. 110 (1975) § 2; Ord. 135 (1979) § 5; Ord. 146 (1981) § 5]

11.48.050 REAR YARD. (a) There shall be a rear yard of at least 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.)

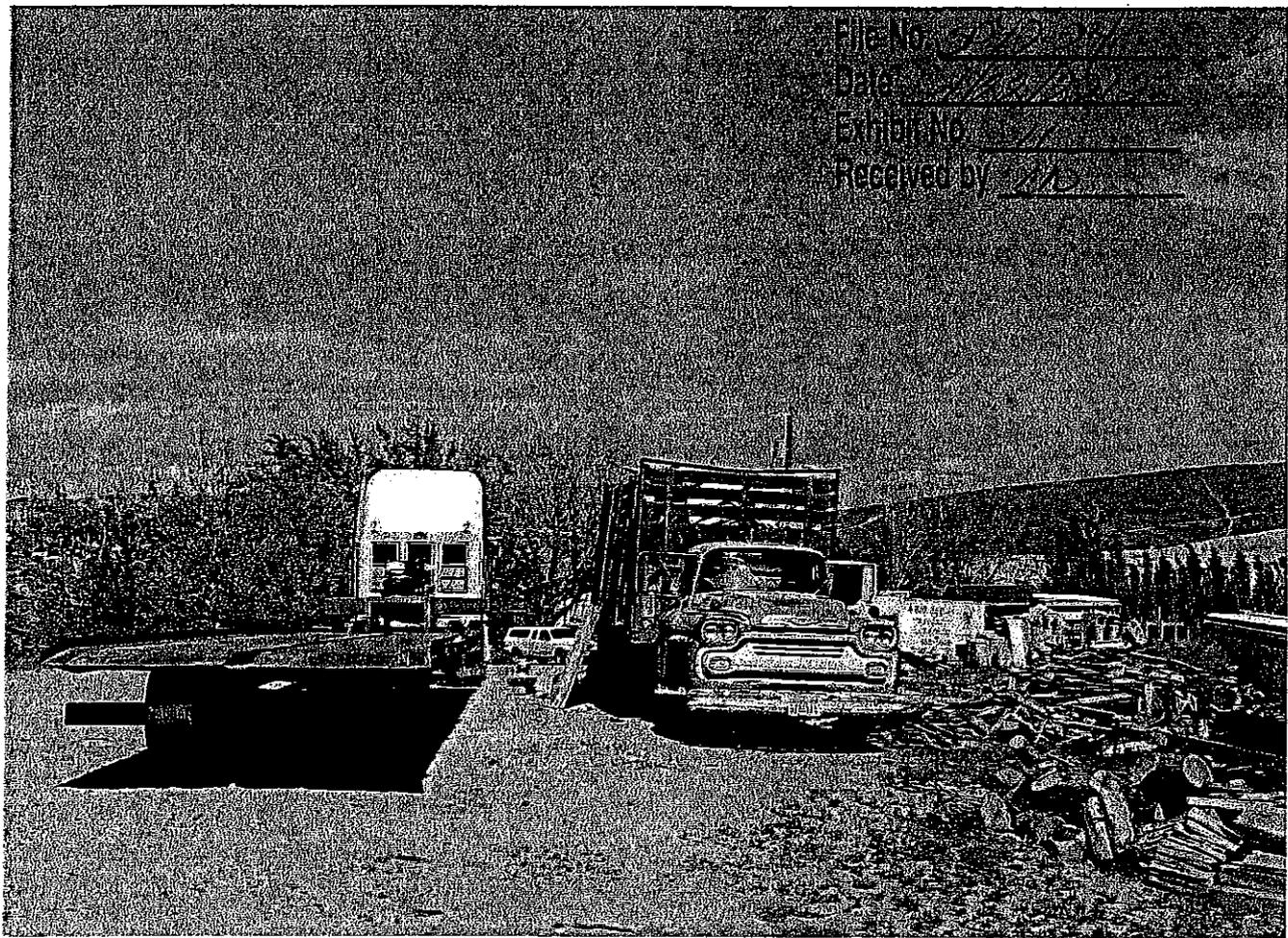
(e) For property that has the rear yard adjacent to a street (double frontage lots) all buildings or accessory structures shall be at least fifty-five (55) feet from the centerline of any city, county, or state road right-of-way sixty (60) feet or less in width. If the right-of-way width exceeds sixty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

[Ord. 146 (1981) § 5]

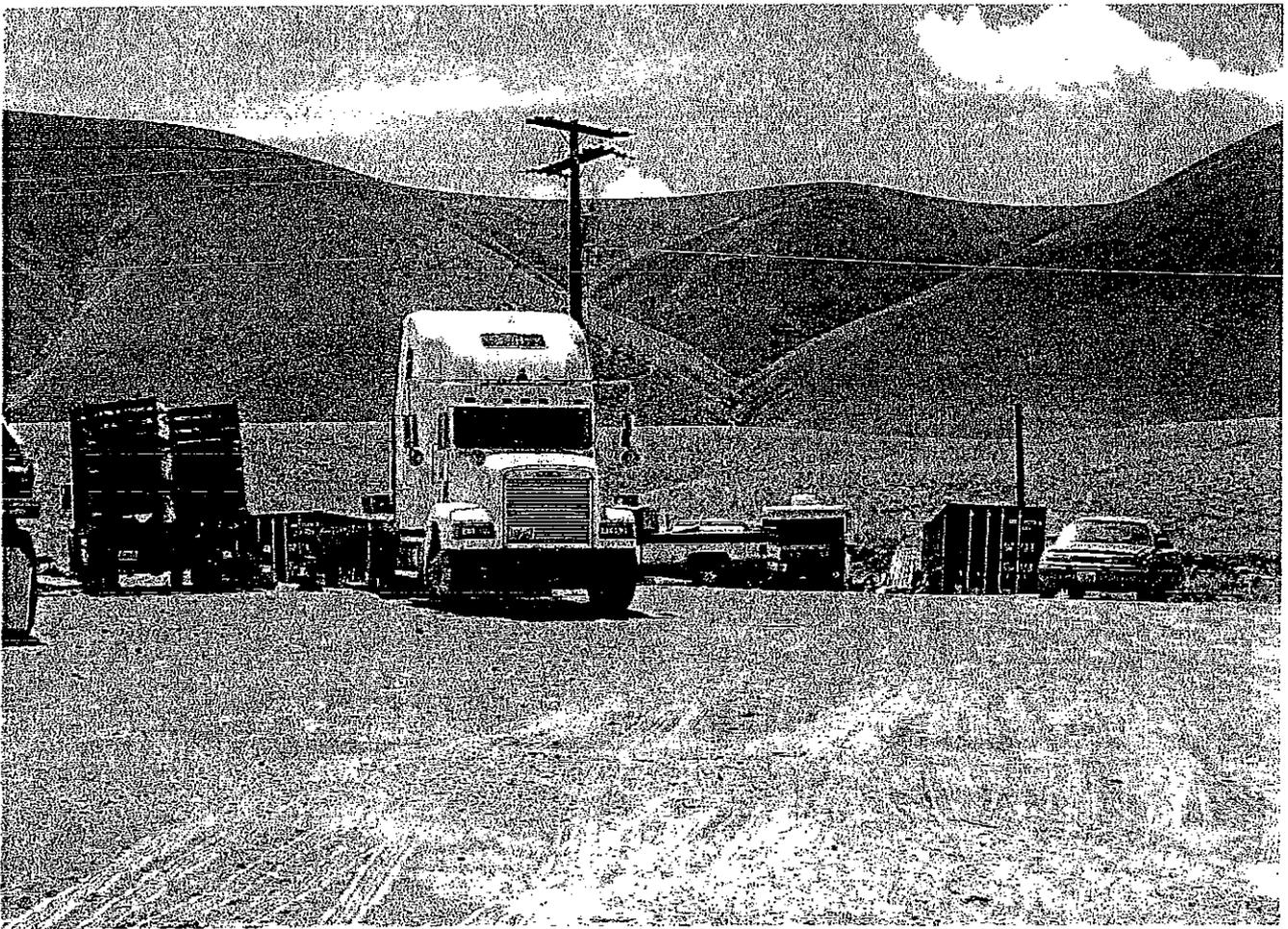
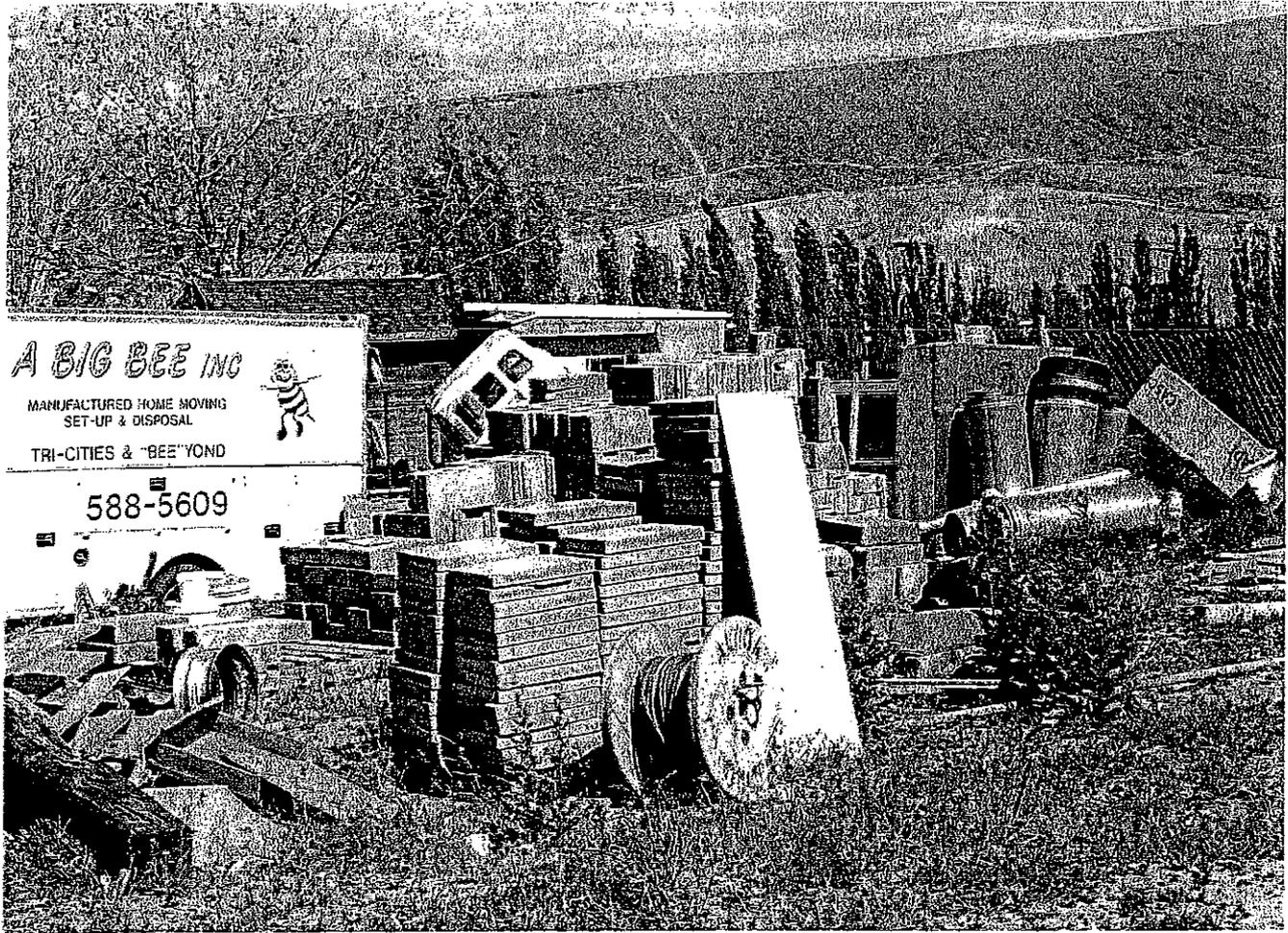


File No. _____
Date _____
Exhibit No. _____
Received by *MB*

Conley 4/22/10



0/22/10
Lonley

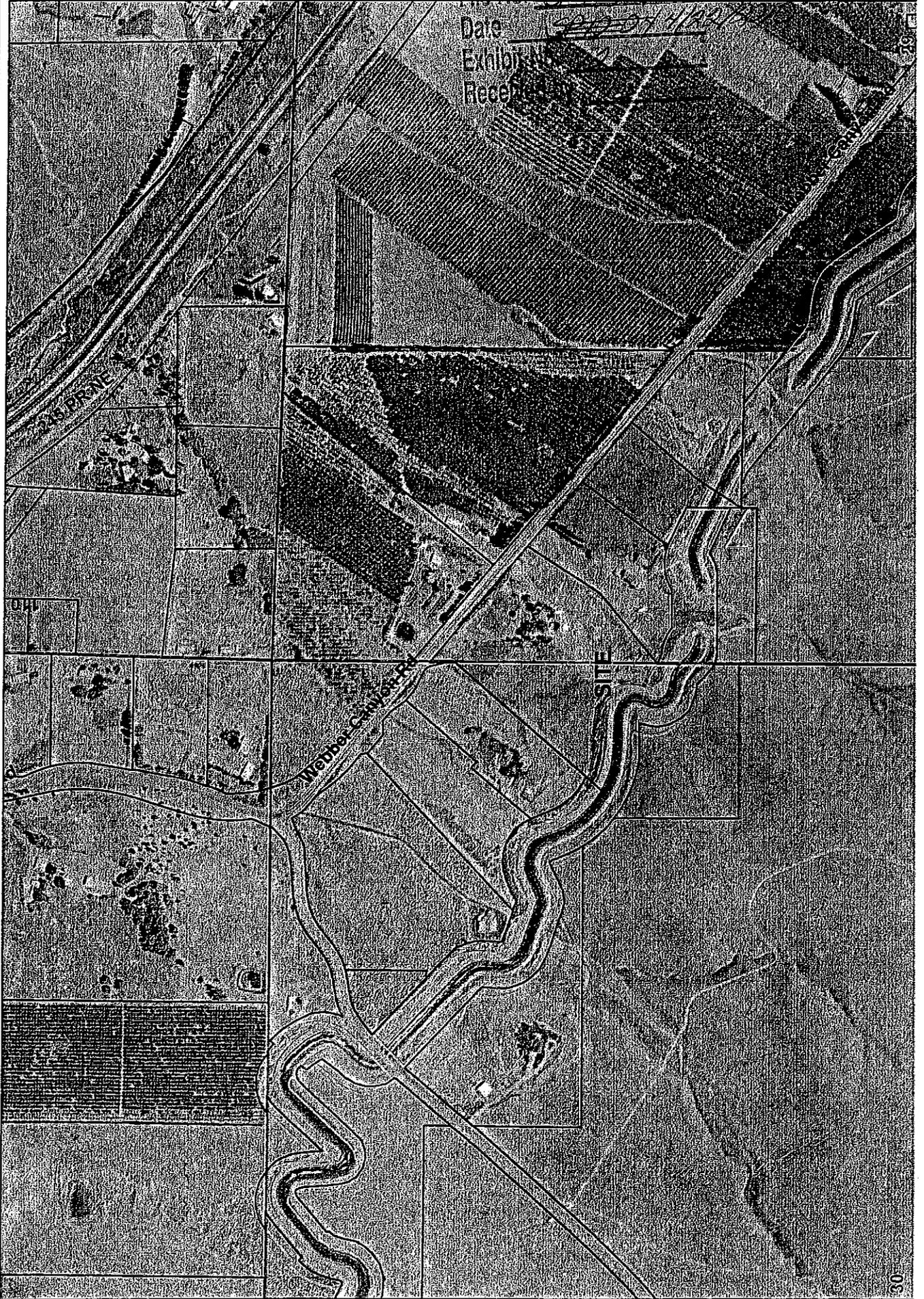


BENTON COUNTY
PLANNING
DEPARTMENT

SP 10-04

SECTION 28 & 29 TOWNSHIP 9 NORTH, RANGE 27 EAST
ROY CONLEY SP 10-04
PRINTED 4/23/10

Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown on this map. Any use made of this information is solely at the risk of the user. Benton County makes no warranties, expressed or implied, and hereby disclaims any and all liability in connection with the accuracy, reliability, or completeness of the information shown. This information is a preliminary product of the Benton County Geographic Information System, and is prepared for presentation purposes only.



File No. SP 10-04
Date 4/23/10
Exhibitor
Receiver

SPECIAL USE PERMIT

SP 10-05

TRISH TRICKET

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: April 21, 2010
MEETING DATE: May 6, 2010
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: SPECIAL PERMIT APPLICATION – SP 10-05

File No. SP 10-05
Date 4-21-2010
Exhibit No. 1
Received by CB

APPLICANT/
PROPERTY OWNER: TRISH TRICKIT, 22206 E KENNEDY ROAD
BENTON CITY WA 99320.

SPECIFIC REQUEST: The applicant is requesting a special use permit for the operation of a customization and restoration of old cars and sale of aftermarket accessories.

EXHIBITS:

Exhibit No. 1: Staff Report dated April 21, 2010.
Exhibit No. 2: SP 10-04 application
Exhibit No. 3: Sign – Trick-it Customs and Fabricating Services
Exhibit No. 4: Site plan
Exhibit No. 5: Vicinity Map
Exhibit No. 6: Notice of Open Record Hearing, published April 22, 2010.
Exhibit No. 7: Comments from the Benton Franklin Health District April 9, 2010
Exhibit No. 8: Comments from Benton County Fire Marshal- April 9, 2010.
Exhibit No. 9: Comments from Benton County Building Department- April 9, 2010.
Exhibit No. 10: Comments from Benton County Dept. Public Works- April 21, 2010.
Exhibit No. 11: Benton County Code Section 11.16.010 Agricultural District.
Exhibit No. 12: Site photos taken by planning staff on April 20, 2010.
Exhibit No. 13: Aerial Photo of the site taken in 2008.

BACKGROUND:

Site Location: The site is located at 22206 East Kennedy Road on Lot 4 of Short Plat 2653 in Section 16, Township 9 North, Range 27 East, W.M.

Land Use: The site is currently developed with a singlewide manufactured home and one detached 2300 sq ft outbuilding, permitted as a storage barn. The surrounding properties are developed for residential and agricultural purposes.

Zoning: The site and surrounding properties are zoned Agriculture.

Comprehensive Plan Designation: Site and surrounding areas are designated " Rural Lands 5".

State Environmental Policy Act: This application is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).

the Washington State Environmental Policy Act, under WAC 197-11-800(13).

**APPLICABLE DEVELOPMENT REGULATIONS:
11.52.090 CONDITIONAL USE/SPECIAL PERMITS.**

1. The Benton County Code Section 11.52.090(A) (Conditional Use/Special Permit General Standards) states that: "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."
2. 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 Section 2.

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.

3. 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. The applicant/property owner is Trish Trickit 22206 E Kennedy Road, Benton City, WA 99320.
2. The applicant is requesting approval of a Special Permit for the operation of an automobile restoration and aftermarket car accessories business. The site is a 2.5 -acre parcel of land located in the East Half of the Southwest Quarter of the Southwest Quarter of Section 16 in Township 9 North, Range 27 East, W.M. on Lot 4 of Short Plat 2653.
3. The application was submitted to Benton County on March 31, 2010, and declared incomplete, returned to the applicant for review. The applicant was resubmitted and accepted as complete on April 9, 2010.
4. Special Permit 10-05 did not require that a Notice of Application be published.
5. The notice for the Benton County Board of Adjustment Open Record Hearing was published on April 22, 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 May 6, 2010.
6. Special Permit Application SP 10-05 is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).
7. The site is currently developed with a single-family dwelling and one outbuilding. The surrounding properties are developed for residential and agricultural uses.
8. The site and surrounding properties are zoned Agriculture.

9. The Benton County Comprehensive Plan designates the site and surrounding areas as "Rural Lands 5".
10. This application was routed to, but had no comments were received from the following agencies: Benton County Fire District #1, Benton Clean Air Authority, Washington State Department of Health, Benton County Code Enforcement Officer, Washington State Department of Ecology, Benton PUD, and Verizon.
11. Typically, the Board of Adjustment has approved special permit applications for like businesses in the applicable zoning districts. This zone is for Agricultural and Residential uses and is allowed by special permit. Attached is the Benton County Code Agricultural District Section 11.16.010(o)(17). Permissible Use of Buildings.
12. The special permit application is not specific as to the request for any signs. The hours of operation will be 10 a.m. to 5:00 p.m. Monday thru Friday.
13. No comments have been received from property owners within 300 feet of the perimeter of the lot for which the permit is being requested.
14. The proposed use would 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 Agricultural zoning districts.
15. The proposed use as shown in the application 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 Agricultural zoning districts.
16. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area. There is no evidence to support that the site would not be adversely affected. The residence on site is served by all the necessary services.
17. The surrounding area is not completely developed however, painting of automobiles could likely hinder or discourage the development of permitted uses on neighboring properties in the Agricultural Zoning District therefore painting of autos will not be permitted within this special permit.
18. The Benton Franklin Health District's comments and requirements are attached.
19. Public Works stated that the approach has already been paved, so they have no comments on this proposal.

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:

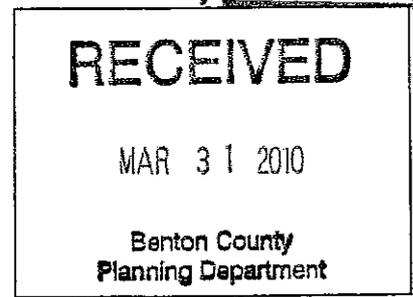
If the Board of Adjustment decides to approve Special Permit Application 10-05, based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department recommends that the following conditions be included:

1. Applicants shall not conduct any of the activities within the scope of Special Permit 10-05 until they are in compliance with all the conditions set forth herein. The applicants 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 applicants 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. 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. Only one (1) approved detached accessory building on a parcel may be used for business activities. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect. Non-permitted storage containers are not allowed.

4. 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. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect.
5. The requested special permit shall not be granted for the keeping of more than three (3) vehicles advertising the business on the site at any time. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect.
6. That the operation of the Special Permit for an automobile restoration and aftermarket parts and accessories business would be permitted between the hours of 10:00 a.m. and 5:00 p.m. Monday thru Friday. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect.
7. That 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. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect.
8. That any waste created in association with the business as a result of this special permit must be disposed of off-site in a timely manor and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect.
9. That 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 the street (inside the road right-of-way) sign posting and sign posting, which interferes with the line-of-site for road intersections, are prohibited. The applicant shall continue to meet all such requirements while Special Permit SP 10-05 is in effect.
10. The requirements of the Benton-Franklin Health District must be met prior to issuance of a special use permit. The applicant shall continue to meet all such requirements while Special Permit 10-05 is in effect.
11. No overnight outside parking of customers' vehicles is allowed. Outside storage areas with hulk and non-operable vehicles is prohibited. The applicant shall continue to meet all such requirements while Special Permit 10-05 is in effect.

**BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE/SPECIAL PERMIT APPLICATION
FILE NO. SP10-05**

File No. SP10-05
Date 4-21-2010
Exhibit No. 2
Received by AD



1. Applicant Name Trish Trickitt ~~Rob~~
Applicant Address: 22206 E Kennedy Rd
Benton City, WA 99320 28562
Telephone number: Home 588-9993 Work _____

2. Legal owners name: _____
Legal Owners address: Same
Telephone number: Home _____ Work _____

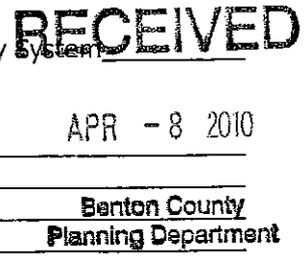
3. Parcel Number or Legal description of property for which permit is for: 1-1697-301-2653-004

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

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.** Sales of automotive aftermarket accessories, installation of bolt on accessories, customization and restoration of older vehicles

6. The property will be served by:

WATER:	Well <input checked="" type="checkbox"/>	Private System <input checked="" type="checkbox"/>	City System <input type="checkbox"/>
SEWER:	Septic Tank <input checked="" type="checkbox"/>	City Sewer _____	
POWER:	PUD <input checked="" type="checkbox"/>	REA _____	
PHONE:	Yes <input checked="" type="checkbox"/> No _____	Name of Utility _____	
GAS:	Yes _____ No <input checked="" type="checkbox"/>	Name of Utility _____	
CABLE:	Yes _____ No <input checked="" type="checkbox"/>	Name of Utility _____	
IRRIGATION:	Yes _____ No <input checked="" type="checkbox"/>	Name of Utility _____	
PRIVATE IRR.	Yes <input checked="" type="checkbox"/> No _____		



7. Total acres of property: 2.5 Zoning Classification of Property: _____
Comprehensive Plan Designation _____

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: Storage barn we wish to convert, mobile home, septic well, 3 mobile storage containers, pump house
All personal use except 1800 sq ft of storage building

9. Describe existing structures and present land uses in the surrounding area of your property: mobile to w/detached garage, barns nothing to west very close
nothing behind

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- Is there a residence on site? Yes No _____
- 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 _____
- Does at least one of the proprietors live in said residence? Yes No _____
- List the number of non-resident employees. 0
- What is the total square footage of the detached building to be used for the business?
2300

- f. What is the **total** square footage that will be used for the business activity? ~~2300~~ 1800
- 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.
~~3.2 x 1.2~~ 3.2 x 1.2
- i. State the number of vehicles marked to identify the business to be stored on site.
1-3
- j. List the number of off street parking spots 20
- k. What County Road does the site access off of? E Kennedy Rd
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week M-F 10-5 Hours of Operation 10-5

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:

This is a small business and I do not anticipate more than 2 customers at one time

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

Signature Block for individuals only.

Trish Trickett Trish Trickett 3-22-10
 Applicant's Signature Print Name Date

Trish Trickett Trish Trickett 3-22-10
 Signature of Legal Owners Print Name Date

 Signature of Person with additional ownership interest Print Name 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: _____

By: _____
(print name) (Title)

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.

(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

FOR OFFICIAL USE ONLY:	
CRITICAL AREA REVIEW COMPLETED	
BY <u>Clark</u>	ON <u>3/31/10</u>
APPLICATION APPROVED FOR PROCESSING	
BY <u>Clark</u>	ON <u>4/8/10</u>
Zoning: <u>AG</u> Comp: <u>AL5</u>	

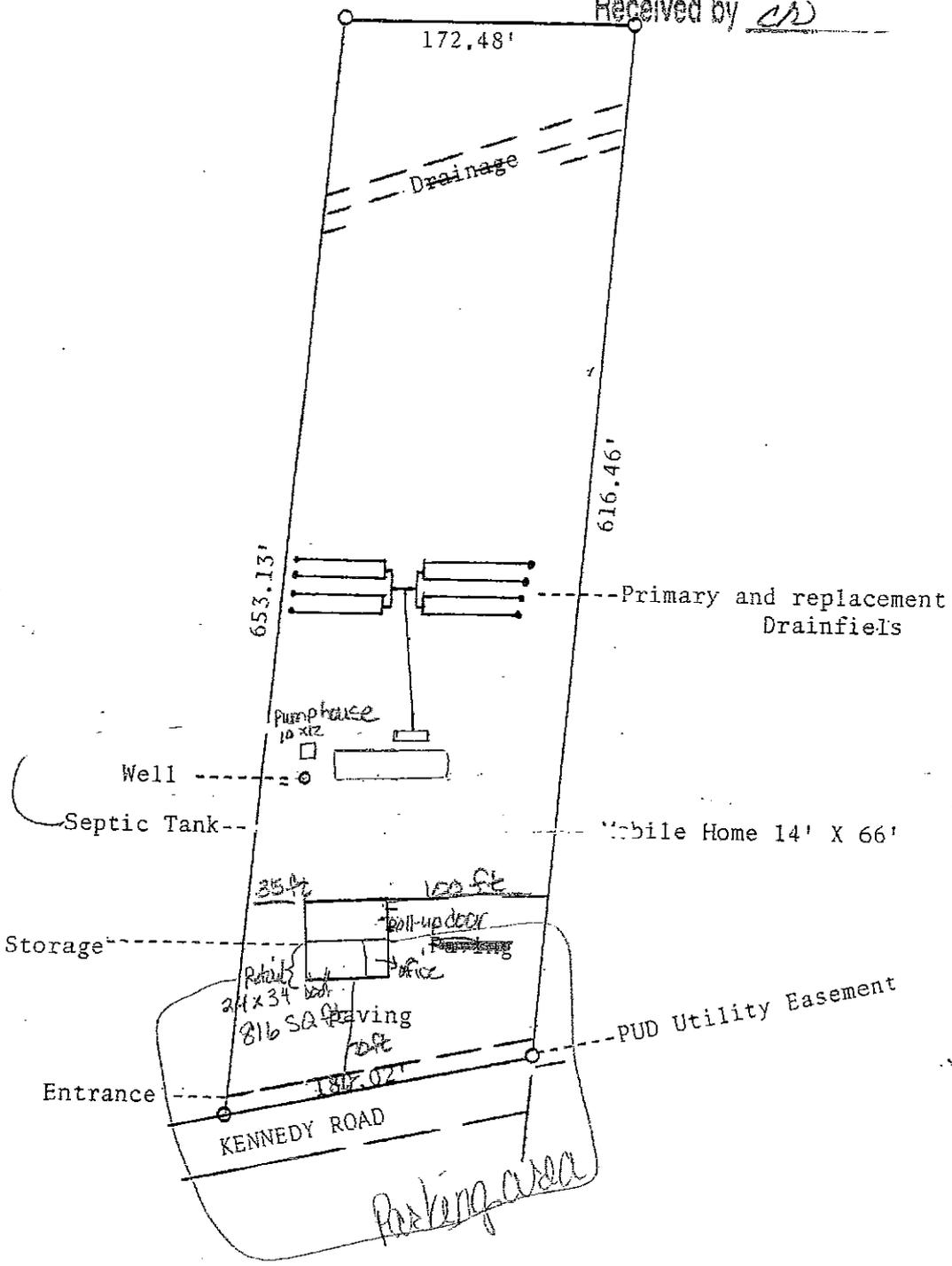
File No. SP10-05
Date 7-21-2010
Exhibit No. 2
Received by CD

Trick-It
customs
AND
FABRICATING SERVICES

File No. SP10-05
 Date 4-21-2010
 Exhibit No. 4
 Received by CD



2



PROPOSED STRUCTURE: _____ INDICATE SCALE: 1" = 100'
 PARCEL NO.: 1-1697-301-2653-004
 OWNER: Trish Trickit & Rob Muth

BENTON COUNTY
PLANNING
DEPARTMENT

SP 10-05

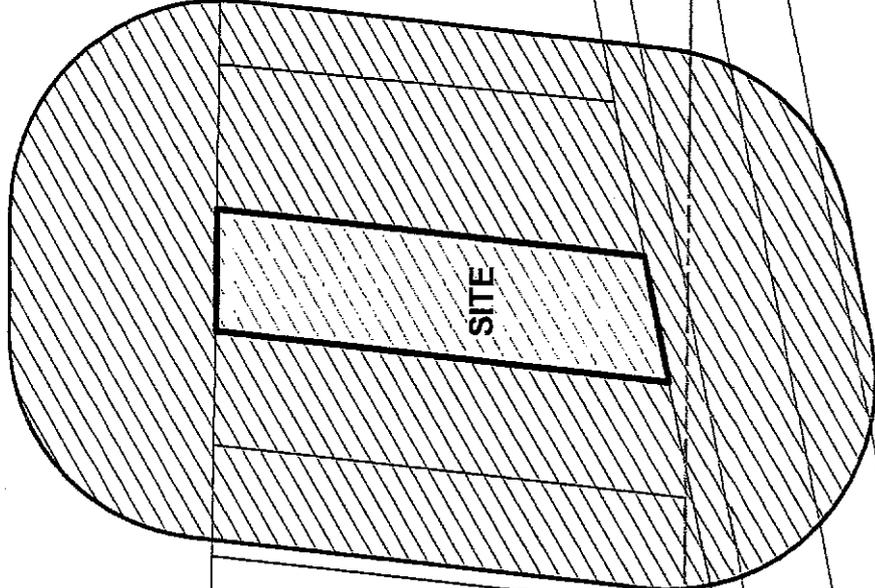
SECTION 16 TOWNSHIP 9 NORTH, RANGE 27 EAST
TRISH TRICKET SP 10-05
PRINTED 4/8/10

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197 PR NE

File No. SP10-05
Date 4-21-2010
Exhibit No. 6
Received by ML



Kennedy Rd

Jacobs Rd

Beach Dr

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 10-05
Date 4-21-2010
Exhibit No. 6
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.

SPECIAL USE PERMIT – SP 10-04 – for the operation of a manufactured home setup business including storage of supplies. The site is located at 19201 N Webber Canyon Road on Lot 1 of Short Plat 1884 in Section 29 and 30, Township 9 North, Range 27 East, W.M. Applicant: Roy R. Conley Jr. 19201 N Webber Canyon Road – Benton City, WA 99320

SPECIAL USE PERMIT – SP 10-05 – for the operation of a customization and restoration of old cars including the sale of aftermarket accessories. The site is located at 22206 E Kennedy Road on Lot 4 of Short Plat 2653 in Section 16, Township 9 North, Range 27 East, W.M. Applicant: Trish Trickett – 22206 E Kennedy Road – Benton City, WA 99320.

SPECIAL USE PERMIT – SP 09-03 – for the operation of a rock crushing and screening business and equipment storage to include the sale of rock products. The site is located on Lot 1 of Short Plat 2849 in the North Half of the Southeast Quarter of the Northeast Quarter of Section 12, Township 8 North, Range 28 East, W.M., lying West of Hildebrand Road and East of Wheat Road. Applicant: Mike M. Johnson – 313 Canyon Lakes Drive – Kennewick, WA 99337

NOTICE IS GIVEN that said application will be considered by the Board of Adjustment of Benton County, Washington at a public hearing on Thursday, May 6, 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 16th day of April, 2010.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

 CLARK A. POSEY – SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Thursday, April 22, 2010

Find us on the web at www.co.benton.wa.us

Planning Department - SP 10-05 Trish Trickit

From: "Shawn Brown" <shawnb@bfhd.wa.gov>
To: <planning.department@co.benton.wa.us>
Date: 4/9/2010 5:02 PM
Subject: SP 10-05 Trish Trickit

File No. SP 10-05
Date 4-21-2010
Exhibit No. 7
Received by CD

Dear Mr. Clark Posey:

With regards to the above mentioned application for a Special Use Permit (With the intention of operating a commercial business) the Benton-Franklin Health Department has the following requirements:

- The proposed Automotive Accessories shop must have its own bathroom to serve its employees. In conjunction with this requirement, the proposed shop is also required to have its own on-site sewage disposal system that is permitted, inspected and approved by this office. As part of the septic application process, the lot will be required to meet minimum usable land area requirements for a residence and commercial business.
- The proposed Automotive Accessories shop must also be served by an approved public water supply.

Shawn Brown
Environmental Health Specialist I
(509)460-4320
Benton-Franklin Health Department
7102 W. Okanogan Place Kennewick, WA

IMPORTANT: Email coming & going from our agency is not protected, thus client information can not be shared in this format. Please use voicemail or fax for client communication. The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email in error, please notify the system manager or the sender immediately and do not disclose the contents to anyone or make copies thereof.

RECEIVED
APR 12 2010
Benton County
Planning Department

Benton County Fire Marshal's
Review of Proposed Planning Application

RECEIVED

TO: Clark A. Posey

File No. SP10-05

Date 4-21-2010

Exhibit No. 8

Received by CD

APR 22 2010

Benton County
Planning Department

Special Use Permit 10-05

Date Received 4-9-10

Date Returned 4-16-10

Applicant's Comments: Trish Trickit, 22206 E. Kennedy Rd., Benton City, 99320, 588-9993 proposes on parcel 1-1697-310-2653-004 to sale after market auto accessories, install bolt on accessories, customize and restore older vehicles.

Fire Marshal's Comments:

Only partial approval of the application can be given. The selling and installing accessories as is any body work, excluding painting, is permitted

Customizing and restoring vehicles require spray painting, and must be done within an approved enclosure. The enclosure may be an approved spray booth or a room approved for spray painting.

Required

An approved spray booth, an approved room, or an approved spray space. **SPRAY BOOTH.** A mechanically ventilated appliance of varying dimensions and construction provided to enclose or accommodate a spraying operation and to confine and limit the escape of spray vapor and residue and to exhaust it safely. Spray booths vary in construction, size and design. The definition is clear in that it can be a fully enclosed structure or it can be designed to contain the flammable or combustible vapors. An example of a fully enclosed structure is a spray booth where products are carried/carted into the booth for spraying operation and carted out once the operation is complete. The design and construction of spray booths shall be in accordance with Sections with the fire code and NFPA 33.

SPRAY ROOM. A room designed to accommodate spraying operations constructed in accordance with the *International Building Code*, shall comply with the fire code, and be separated from the remainder of the building by a minimum 1-hour fire barrier.

SPRAYING SPACE. An area in which dangerous quantities of flammable vapors or combustible residues, dusts or deposits are present due to the operation of spraying processes. The fire code official is authorized to define the limits of the spraying space in any specific case. Spraying spaces shall be designed and constructed in accordance with the *International Building Code* and Sections 1504.3.3.1 and 1504.4 and through 1504.8 of this code.

1. All electrical equipment must meet the requirements of the fire code and Dept of Labor's electrical code.
2. **Smoking prohibited.** Smoking shall be prohibited in flammable vapor areas and hazardous materials storage rooms associated with flammable finish processes. "No Smoking" signs complying with Section 310 shall be conspicuously posted in such areas.
3. The storage, use and handling of flammable and combustible liquids shall be in accordance with the fire code.
4. Welding, cutting and similar spark-producing operations shall not be conducted in or adjacent to flammable vapor areas or dipping or coating operations unless precautions have been taken to provide safety. Conspicuous warning signs shall be posted in the vicinity of flammable vapor

areas and paint storage rooms:

5. Flammable vapor areas, exhaust fan blades and exhaust ducts shall be kept free from the accumulation of deposits of combustible residues. Where excessive residue accumulates in such areas, spraying operations shall be discontinued until conditions are corrected.
6. The application of flammable or combustible liquids by means of spray apparatus in continuous or intermittent processes shall be in accordance with the requirements of the fire code.
7. Exiting requirements shall meet the fire code. To make this determination requires a floor plan of the building and the spray booth/spray room/spray space.
8. Portable fire extinguishers complying with Section 906 shall be provided for spraying areas in accordance with the requirements for an extra (high) hazard occupancy.
9. Housekeeping, maintenance, storage and use of hazardous materials shall be in accordance with the fire code.
10. Automatic sprinklers installed in flammable vapor areas shall be protected from the accumulation of residue from spraying operations in an approved manner. Bags used as a protective covering shall be 0.003-inch-thick (0.076 mm) polyethylene or cellophane or shall be thin paper. Automatic sprinklers contaminated by overspray particles shall be replaced with new automatic sprinklers.
11. The spraying apparatus, drying apparatus and ventilating system for the spray booth or spray room shall be equipped with interlocks arranged to:
 1. Prevent operation of the spraying apparatus while drying operations are in progress.
 2. Purge spray vapors from the spray booth or spray room for a period of not less than 3 minutes before the drying apparatus is rendered operable.
 3. Have the ventilating system maintain a safe atmosphere within the spray booth or spray room during the drying process and automatically shut off drying apparatus in the event of a failure of the ventilating system.
 4. Shut off the drying apparatus automatically if the air temperature within the booth exceeds 200°F (93°C).
12. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted. Spraying equipment shall be interlocked with the ventilation of the flammable vapor areas such that spraying operations cannot be conducted unless the ventilation system is in operation.
13. Automatic sprinkler systems shall be provided in high-hazard occupancies. Spray finishing areas are H-Occupancies.

From: Steve Brown
To: Carel Hiatt
Date: 4/9/2010 4:24 PM
Subject: Re: SP 10-05 TRISH TRICKIT;

File No. SP 10-05
Date 4-21-2010
Exhibit No. 9
Received by CH

Permit req. for change of use. SB

>>> Carel Hiatt 4/9/2010 11:44 AM >>>
SP 10-05 TRISH TRICKIT; 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

APR 12 2010

Benton County
Planning Department

From: Sue Schuetze
To: Clark Posey
Date: 4/21/2010 11:15 AM
Subject: SP 10-05 Trickit

File No. SP10-05
Date 4-21-2010
Exhibit No. 10
Received by CP

Their approach has already been paved so we have no comments on this proposal.

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. SP10-05
Date 4-21-2010
Exhibit No. 11
Received by CRD

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) ••4; 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]

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.]

(1) 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

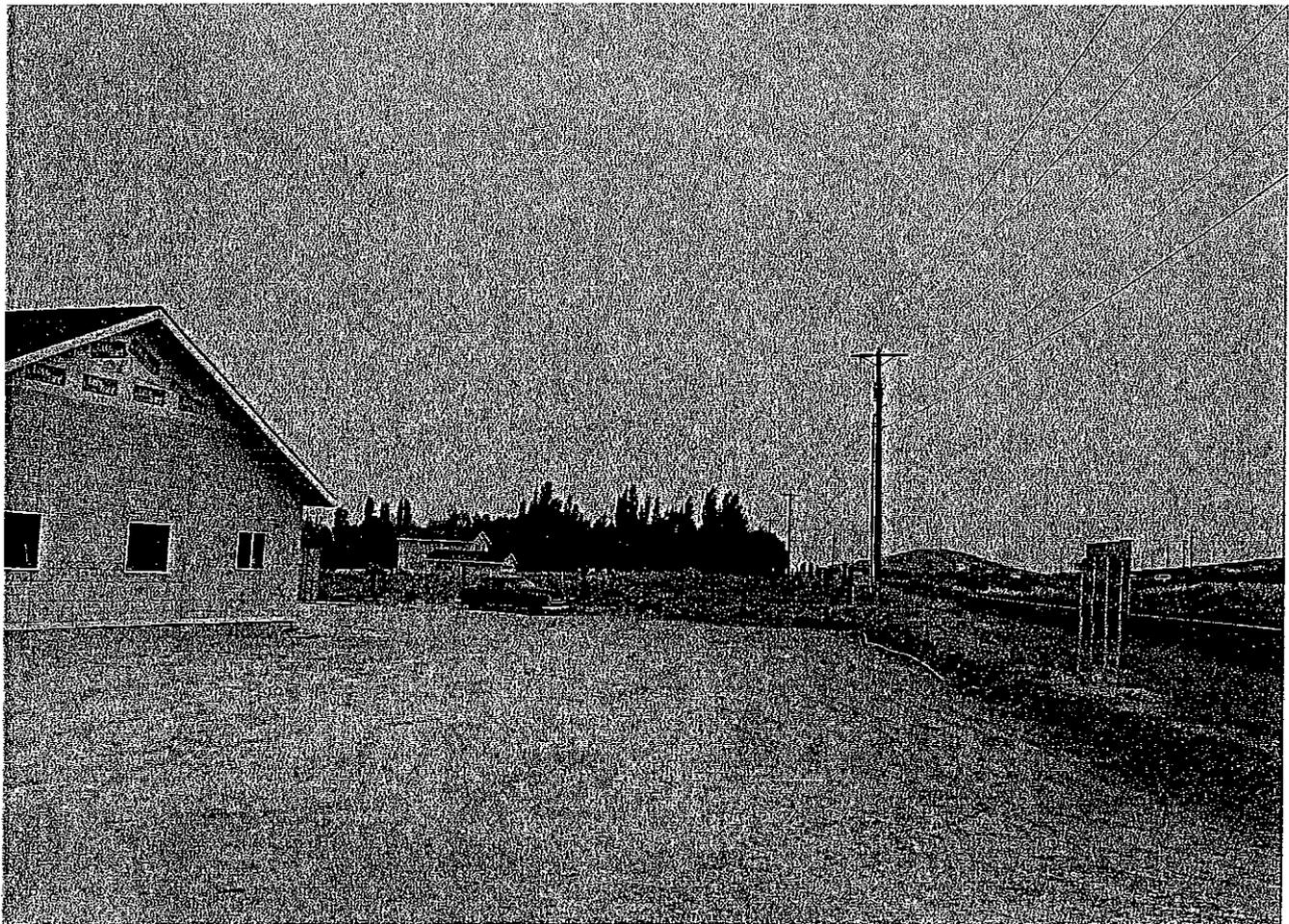
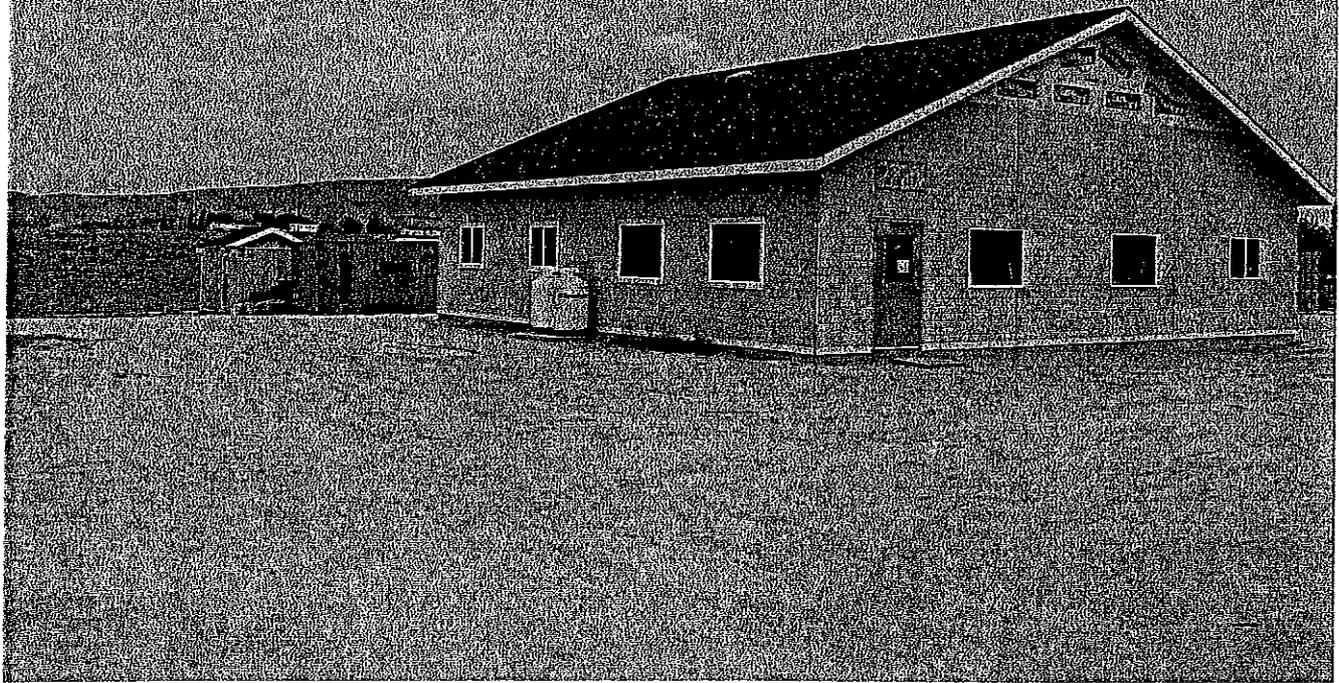
be limited to the days and hours of operation as determined by the Board of Adjustment.

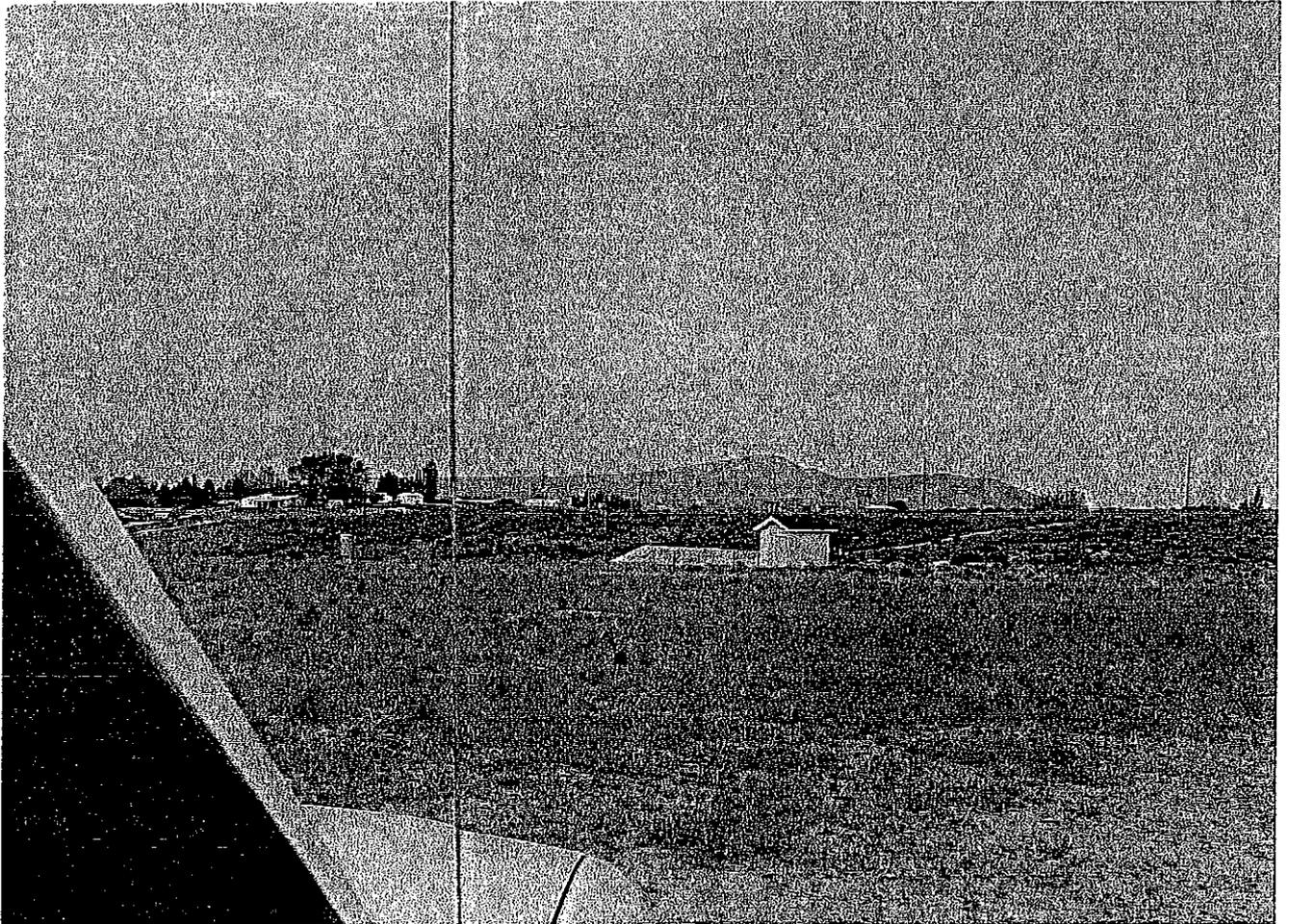
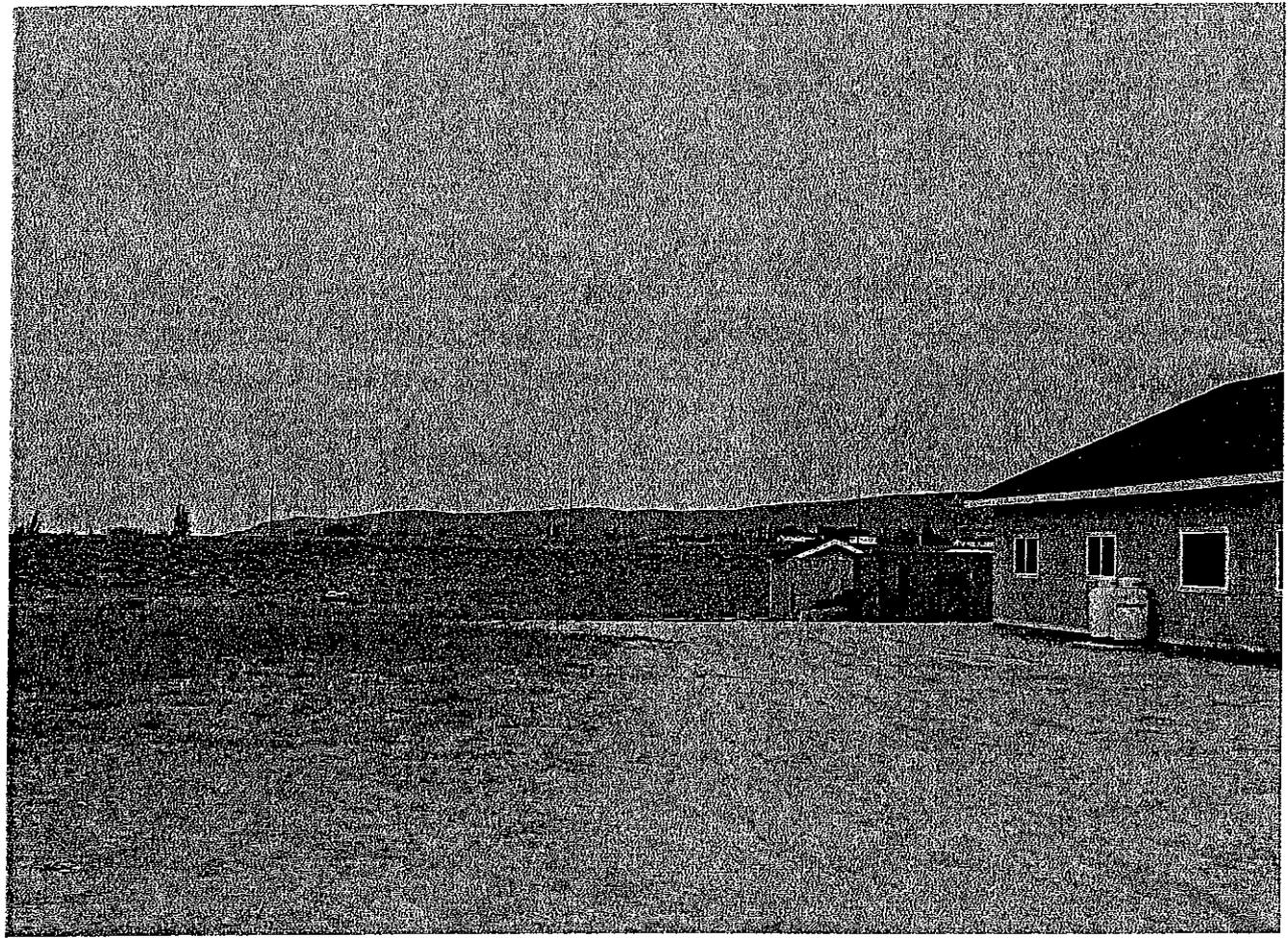
[Ord. 62 (1960) § 1; Ord. 112 (1976) § 3; Ord. 116 (1976) § 4; Ord. 123 (1977) § 3; Ord. 133 (1979) § 6; Ord. 152 (1981) § 4; Ord. 155 (1982) § 1; Ord. 164 (1983) § 1; Ord. 167 (1983) § 4; Ord. 222 (1988) § 2; Ord. 235 (1991) § 4; Ord. 306 (1997) § 2; Ord. 342 (1998) § 1; Ord. 367 (2001) § 1; Ord. 371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

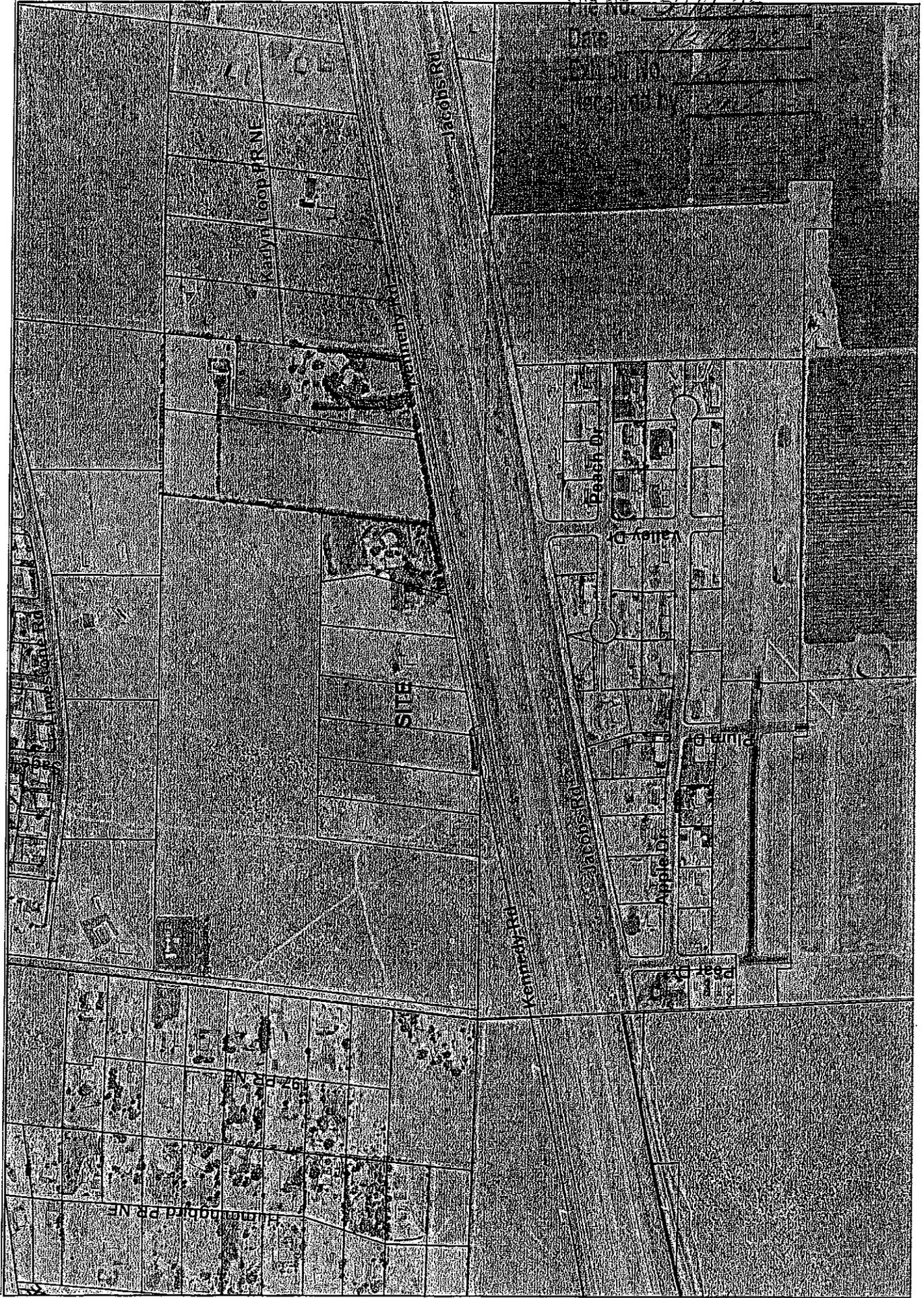
[NOTE: This section is continued on the following page.]

File No. 212-25
Date 4/21/2012
Exhibit No. 12
Received by CR





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 of no effect. The information shown hereon is a preliminary product of the Benton County Geographic Information System, and is prepared for presentation purposes only.



File No. 5012 25

Date

Time

SPECIAL USE PERMIT

SP 09-03

MIKE JOHNSON

EXHIBIT LISTING FOR SP 09-03 – MIKE JOHNSON

EXHIBIT NO.	SUMMARY
BOA 1.1.	Planning Department Staff Report dated April 23, 2010 to the Benton County Board of Adjustment – eight pages
BOA 1.2	Special Permit Application – SP 09-03 received May 7, 2009
BOA 1.3	Drawing of site locate submitted by the applicant
BOA 1.4	Legal Description dated 11/18/2008 submitted by the applicant
BOA 1.5	Aerial Maps (2) Submitted by the applicant
BOA 1.6	USDA map dated April 2, 2009
BOA 1.7	Petition submitted by the applicant – dated January 26, 2009 to April 2, 2009
BOA 1.8	Environmental Checklist received May 7, 2009
BOA 1.9	Memo from Mike Johnson to Clark Posey dated April 17, 2009 RE: Written Determination of Incompleteness (March 17, 2009)
BOA 1.10	Notice of Application dated May 14, 2009
BOA 1.11	Planning Department Site Map – EA 09-21
BOA 1.12	Department of Ecology comments dated June 2, 2009
BOA 1.13	Department of Ecology comments dated April 14, 2010
BOA 1.14	City of Kennewick comments dated May 20, 2009
BOA 1.15	Department of Natural Resources comments dated May 19, 2009
BOA 1.16	Department of Natural Resources comments dated April 2, 2010
BOA 1.17	Department of Natural Resources comments dated April 13, 2010
BOA 1.18	Kennewick Irrigation District comments dated June 8, 2009
BOA 1.19	Email from Victor Johnson dated June 15, 2009
BOA 1.20	Letter dated May 19, 2009 from Jerry/Bernice Maloy
BOA 1.21	Benton County Building Department comments dated May 14, 2009
BOA 1.22	Benton County Building Department comments dated May 18, 2009
BOA 1.23	Bureau of Reclamation comments dated April 16, 2010
BOA 1.24	Benton Franklin Health District comments dated May 21, 2009
BOA 1.25	Benton County Public Works Department comments dated May 14, 2009
BOA 1.26	Benton County Fire Marshal comments dated May 14, 2009
BOA 1.27	Letter dated June 5, 2009 from Clark Posey to Mike Johnson RE: Additional Information requested for the environmental review of EA 09-21 and Special Permit Application SP 09-03
BOA 1.28	Letter dated July 31, 2009 from Michael Shuttleworth to Mike Johnson which included the following: 1. City of Kennewick letter dated May 20, 2009 2. Memo to Jeff Smyth from Marissa Steketee dated March 27, 2009 RE: Noise Analysis Technical Memo/BID Phase I 3. Letter dated June 6, 2008 from Michael Shuttleworth to Mike Johnson RE: Benton County Board of Adjustment – Findings of Fact on SP 06-25
BOA 1.29	Letter dated October 13, 2009 from Terry Miller to Clark Posey RE: Special Permit Application – SP 09-03
BOA 1.30	Affidavit of Terry E. Miller dated October 19, 2009 with attachments A-F
BOA 1.31	Letter dated December 3, 2009 from Clark Posey to Mike Johnson/Terry Miller RE: Additional Information for Environmental Review of SP 09-03

BOA 1.32	Letter dated January 27, 2010 from Terry Miller to Clark Posey RE: Special Permit Application SP 09-03/Noise Investigation
BOA 1.33	Document from I.E. (Gene) Reep, P.C./Terry Miller dated January 23, 2010 RE: Report on Noise Investigation for Special Use Permit Application SP 09-03 for operation of a portable rock crusher – fourteen pages including cover page
BOA 1.34	Routh Consulting Engineers, Inc. – M1 Map site plan and attached map
BOA 1.35	Letter dated February 4, 2010 from Clark Posey to Terry Miller RE: Special Permit Application SP 09-03
BOA 1.36	Letter dated February 9, 2010 from Terry Miller to Clark Posey RE: Special Permit Application SP 09-03/Noise Investigation
BOA 1.37	Summary of Experience I.E. (Gene) Reep, P.C. received February 10, 2010
BOA 1.38	Determination of Non-Significance EA 09-21 dated April 1, 2010
BOA 1.39	Notice of Open Record Hearing dated April 16, 2010
BOA 1.40	Benton County Building Permit #22920 issued October 29, 2007
BOA 1.41	Benton County Inspection Card Permit #22920 dated October 29, 2007
BOA 1.42	Benton County Building Department Correction Notice Permit #22920 dated November 1, 2007
BOA 1.43	Site plan drawing received from the Benton County Building Department Permit # 22920 dated April 16, 2007
BOA 1.44	Original site plan submitted with the Special Use Permit application on May 7, 2009
BOA 1.45	Revised site plan submitted to the Benton County Planning Department on November 13, 2009
BOA 1.46	Short Plat No. 2849
BOA 1.47	Documents/Maps submitted by the applicant on Amon Wasteway – 11 pages
BOA 1.48	Benton Clean Air Authority comments dated April 28, 2010
BOA 1.49	Benton County Planning Department Staff photos (7) of the site taken on April 20, 2010
BOA 1.50	Aerial of the site taken in 2008

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

BOA 1.1

MEMO DATE: APRIL 23, 2010

MEETING DATE: MAY 6, 2010

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: SPECIAL PERMIT APPLICATION – SP 09-03

APPLICANT: MIKE JOHNSON
313 CANYON LAKES DR.
KENNEWICK, WA 99337

PROPERTY OWNERS: MIKE AND BARBARA JOHNSON
313 CANYON LAKES DR.
KENNEWICK, WA 99337, &
HFRP LLC.
21611 AHTANUM RD
YAKIMA, WA 98903

SPECIFIC REQUEST: The applicant is requesting a special use permit for the operation of a custom and landscape rock selling business in conjunction with rock crushing on an 8.28-acre parcel.

BACKGROUND:

Site Location: The site is located at 1300 Hildebrand Rd. Kennewick, WA 99337, on Lot 1 of Short Plat 2849 in Section 12, Township 8 North, Range 28 East, W.M.

Land Use: The site is currently developed with a portable office building. The surrounding properties are developed as heavy construction businesses or orchards. The Amon Wasteway borders the parcel to the west.

Zoning: The site and surrounding properties are zoned Unclassified. The parcels to the East of Hildebrand Rd are located within the City of Kennewick.

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding areas as "Urban Growth Areas". The City of Kennewick shows the property as Medium Density Residential, 4.1 to 13 dwellings per acre.

State Environmental Policy Act: Special Permit Application SP 09-03/EA 09-21 is not categorically exempt from the requirements of the Washington State Environmental Policy Act. A Determination of Non-Significance (DNS) for EA 09-21 (DNS) was issued on April 4, 2010.

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Benton County Code Section 11.48.010(h) (In the Unclassified Zoning District) states that: "All other uses of property not otherwise prohibited by laws of Benton County or the State of Washington, in addition to those listed below, may be allowed only by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090.

- (1) Day care centers
- (2) Day care homes.
- (3) Residential care facilities.

2. 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."

3. 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. The applicant is Mike Johnson, 313 Canyon Lakes Dr., Kennewick, WA 99337. The property owners are Mike and Barbara Johnson, 313 Canyon Lakes Dr., Kennewick, WA 99337 and a portion of the property is owned by HFRP Properties – who also signed the application.
2. The applicant is requesting approval of a Special Permit Application for the operation of a rock selling business in conjunction with on-site rock crushing on an 8.28-acre parcel.
3. The application for SP 09-03 was submitted to Benton County on May 7, 2009 and was determined incomplete for lack of information, and returned. Additional information and requested studies were submitted and application deemed complete May 13, 2009.
4. The notice for the Benton County Board of Adjustment Open Record Hearing for application SP 09-03 was published on April 22, 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 May 6, 2010.
5. Special Permit Application SP 09-03 was reviewed under the requirements of the Washington State Environmental Policy Act. A Determination of Non-Significance (DNS) was issued on April 4, 2010.
6. The site is currently developed with a portable office building. There is not a residence currently on site. The surrounding properties are used for a road construction business, chemical application business and orchards. The Amon Wasteway borders the parcel to the west and Hildebrand Road to the East.
7. The Benton County Comprehensive Plan designated the site and surrounding areas as “Urban Growth Area” for the City of Kennewick. The City of Kennewick shows the property as Medium Density Residential, 4.1 to 13 dwellings per acre.

8. The surrounding areas have been or are developed so the proposed use as shown in the application would not hinder or discourage the development of permitted uses on neighboring properties in the Unclassified Zoning District as a result of the location, size, noise and dust of the proposed use. An orchard was located south and West of the proposed project, but it has since been removed.
9. The Benton-Franklin Health District has commented that the business must be served by an approved onsite sewage disposal system, an approved public water supply and meet minimum land area requirements.
10. As stated on Short Plat # 2849 the west 100 feet of this parcel is shown as Amon Wasteway, and lists a buffer zone. The buffer zone is not suitable for structures or for any activity related to this special permit. Condition No. 10 of the Short Plat states: No construction, filling, grading or vegetation removal within the Amon Wasteway drainage easement will be permitted.
11. The Bureau of Reclamation commented that discharge into the Amon Wasteway is not allowed and traps would need to be installed to collect debris. Any rock to be crushed or the subsequent crushed rock cannot be stored on the 100-foot right-of-way in the Amon Wasteway.
12. The Benton County Fire Marshal did not have any comments.
13. The Benton County Public Works Department stated that an Encroachment Permit would need to be obtained for access onto Hildebrand Road through the City of Kennewick.
14. Conversations between the Benton County Planning staff and the Benton County Building Department have determined that there is not a record of a "final" or certificate of occupancy regarding the placement permit for the office building.
15. The applicant has requested that the business hours of operation be Monday through Friday, 8 a.m. to 6 p.m. and that two employees would be onsite.
16. The Special Permit application did not request the construction or the use of a sign. Sign advertising the Bedrock business is located on the corner of Hildebrand Road.
17. The applicant stated that six marked vehicles would likely be stored on site.
18. The parcel for which the special permit is requested does not currently have a sight-obscuring fence. The application does not address any outside storage associated with the special use permit. The surrounding properties and associated businesses do not have any sight-obscuring fencing, but they do have outside storage of large pieces of equipment on their properties.
19. The special use permit application did not address outdoor lighting for this proposed business.

20. The type of business proposed is inherently noisy and dusty. The study was conducted for the crusher that is located at the lower proposed site. The applicant's consultant has submitted a noise study for the portable rock crusher of which a portion is noted below:

NOISE ANALYSIS

Noise analysis must consider noise levels generated by the proposed operation of the rock crusher plus existing noise present due to motor vehicle traffic and industrial activities in the area. This is to ensure that a new noise source such as the rock crusher is not significantly louder than the existing background noise levels.

Noise Analysis of Eagle Portable Rock Crusher

Environmental noise is regulated at the property boundary of the receiving location (receptor) therefore it is necessary to determine the nature of the noise source and distance to the receiving property. Expected noise levels resulting from the proposed operation of the rock crusher are determined for the two closest residential areas shown in Figure 2. Receptor A is located 1,070-ft and Receptor B is located 1,330 from the rock crusher as measured on City of Kennewick aerial photograph dated August 3, 2009 and confirmed by Micro Soft 2009 Street & Trips. For this analysis the source noise level is taken from data for a similar rock crusher, the Eagle UltraMax 500-05 Portable Crusher Plant. Figure 3 shows isodecibel contours for the Eagle UltraMax out to a distance of 500-ft. Taking the most conservative (loudest) noise level and without an absorptive noise barrier, the noise level is 60 dBA at 500-ft. This compares to a noise level of 54 dBA at 500-ft for another model Eagle Portable Crusher used for recycling concrete for which isodecibel contours are available.

The expected noise levels are conservatively estimated to be 51.7 and 49.4 dBA for Receptors A and B, respectively. These values are well below the WAC Maximum Permissible Noise Level for Class A EDNA

Properties. These values are also lower than the expected noise levels of 53.7 dBA at both properties from existing background noise sources from traffic on nearby roads. With respect to perceiving changes in sound level, the impact of a new 3 dBA noise source on existing background noise levels is barely noticeable while the impact of a new 5 dBA noise source is clearly apparent [Reference (e)]. If the increase of cumulative noise level is less than 3 dBA or if source level is below existing background levels, the new noise source cannot be distinguished from background noise levels. This means that operation of the rock crusher will not cause noise above background noise caused by local traffic that is audible to the nearby residents.

21. The Benton Clean Air Authority regulates dust control under WAC 173-400-040 and stated without a current air permit, this source cannot be legally operated.
22. Business in operation in the immediate vicinity, such as a chemical distribution and spraying company, a construction business and sales facility, large equipment contractor and mini-storage facility that was approved, but has not been constructed.

23. The City of Kennewick is opposed to the proposal because it would not be consistent with their comprehensive plan documents. However, the proposal is consistent with the other developments in the surrounding area.

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 09-03, 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 09-03 until the applicant is in compliance with conditions 4, 5, and 6. 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 six (6) months 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 continues to meet Benton Franklin Health District codes and regulations and any changes or modifications must be approved by the Health District and verification provided to the Benton County Planning Department. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
4. That the applicant immediately applies for an extension to the placement permit with the Benton County Building Department for the portable office building already in place. Any additional building or placement permits must be applied for prior to the initiation of any construction. The applicant must submit a photocopy of the placement permit to the Benton County Planning Department, prior to the issuance of the Special Permit.
5. Prior to the issuance of SP 09-03 the applicant must obtain a Certificate of Occupancy from the Benton County Building Department. The applicant shall continue to meet all building department requirements while Special Permit SP 09-03 is in effect.
6. That the applicant provides for dust control as required under WAC 173-400-040(8)(a) by creating a current dust control program approved by the Benton Clean Air Authority and permits required by the Benton Clean Air Authority must be kept current. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
7. That the presence of customers/clients and non-resident employees at the business activity shall be limited to Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m. as stated in the application. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
8. That no more than two (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
9. That not more than six (6) vehicles marked to identify the business may be on the parcel at any one time. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
10. That any activity related to this special permit, must comply with Bureau of Reclamation requirements within the letter dated April 12, 2010 as noted:
 - 1) The operation of the rock crusher is not within the 100 foot right of way of the west bank of the, Amon Wasteway, of the parcel for which the special permit is applied for. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
 - 2) The operation does not include the use of washing crushed rock with water that can drain into the Amon Wasteway
 - 3) The rock to be crushed or the subsequent crushed rock can not be stored on the 100 foot right-of-way in the Amon Wasteway

11. That any outdoor lighting associated with the proposed special permit is deflected downward to avoid unnecessary glare on neighboring parcels. The applicant shall continue to meet all such requirements while Special Permit SP 09-03 is in effect.
12. That all of the business activities must be contained to the areas located within the site plan submitted with application SP 09-03.
13. That the property owner and the proprietor(s) of the business shall comply with all the 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 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 09-03 is in effect.
14. 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.
15. If permitted, the special permit for the operation of the rock sales and rock crusher is site specific to the area on the lower level where the crusher is currently located. If the crusher proposed is to be re-located the applicant would need to apply for an amendment to this permit which would require a new noise study, site specific to the new location. Prior to the relocation of the crusher, the Benton County Board of Adjustment must approve it.