

**THE FOLLOWING MEMOS HAVE BEEN
SCANNED WITHOUT EXHIBITS FOR
THE HEARINGS TO BE CONDUCTED BY
THE BENTON COUNTY BOARD OF
ADJUSTMENT
ON
THURSDAY, MAY 5, 2011 AT 7 P.M.**

**NOTE THE ADDRESS:
BENTON COUNTY PLANNING
DEPARTMENT – PLANNING ANNEX
1002 DUDLEY AVENUE – PROSSER
IF YOU WISH TO OBTAIN A COMPLETE
PACKET INCLUDING THE EXHIBITS
PLEASE CONTACT THE
BENTON COUNTY PLANNING
DEPARTMENT - 736-3086/TRI-CITIES
OR
786-5612/PROSSER
OR EMAIL AT
PLANNING.DEPARTMENT@CO.BENTON.WA.US**

CONTINUATION
SPECIAL USE PERMIT
SP 10-20

APPLICANTS:
DAVID/CHARLOTTE SCHLOTFELDT
OR ASSIGNS

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

BOAH 2.1

DATE: APRIL 22, 2011

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: CONTINUATION OF SPECIAL USE PERMIT 10-20
DAVID/CHARLOTTE SCHLOTFELDT OR ASSIGNS

The Benton County Board of Adjustment conducted an open record hearing on Special Use Permit – SP 10-20 for the development of a recreational vehicle park for up to 182 RV sites, 12 tenting/cabin sites, two storage buildings and a petting zoo. The site is located on Lot 1 of Short Plat 3292 in Section 11, Township 8 North, Range 28 East, W.M.

Due to the amount of testimony presented both for and against this action at the hearing and the lateness of the evening, the Board of Adjustment closed the public hearing for the taking of additional testimony and made a motion to continue SP 10-20 to the May 5, 2011 meeting for decision making.

NOTE: The May 5, 2011 Board of Adjustment Hearing will be conducted at the Benton County Planning Department – Planning Annex – 1002 Dudley Avenue – Prosser, WA 99350 at 7 p.m.

Following is a listing of Exhibits presented at the April 7, 2011 Board of Adjustment Hearing:

BOAH 1.9 – Introduction Applicant Testimony with pictures
BOAH 1.10 – Exhibit 1 – Site – Large Scale
BOAH 1.11 – Exhibit 2 – Landscape Concept Plan – Large Scale
BOAH 1.12 – Exhibit 3 – Cottonwood Springs RV Resort – Large Scale
BOAH 1.13 – Exhibit 4 – Picture of a motorhome in an RV Park – Large Scale
BOAH 1.14 – Big Rigs Best Bets Campground Directory
BOAH 1.15 – Five pictures of motorhomes
BOAH 1.16 – Letter/testimony dated April 7, 2011 – Gary Chamberlin
BOAH 1.17 – Picture – one house landscaping
BOAH 1.18 – Picture – one house landscaping
BOAH 1.19 – RCW 43.22.335
BOAH 1.20 – Large aerial of the site taken in 2008

Exhibit Nos. BOAH 1.10, BOAH 1.11, BOAH 1.12, BOAH 1.13, BOAH 1.14, BOAH 1.17, and BOAH 1.18 are of a large scale and could not be copied by the Benton County Planning Department, so that are not enclosed with this memo. All exhibits will be available for review at the May 5, 2011 Board of Adjustment Hearing on this action.

SPECIAL USE PERMIT

SP 11-04

**APPLICANT:
CLAYTON JONES**

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, 2011
MEETING DATE: MAY 5 2011
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: SPECIAL PERMIT APPLICATION – SP 11-04

**APPLICANT/
PROPERTY OWNER:** CLAYTON JONES
19106 N. HINZERLING ROAD
PROSSER, WA 99350

SPECIFIC REQUEST: The applicant is requesting approval of a Special Permit Application for the operation of a second hand store and sales of miscellaneous merchandise to be conducted on the 2.16-acre site.

BACKGROUND:

Site Location: The site is located at 19106 N. Hinzerling Road - Prosser, WA 99350 on Lot 2 of Short Plat 1951 in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 24 East, W.M.

Land Use: The site is currently developed with a single-family dwelling and several accessory buildings with the surrounding area being developed with a mixture of residential dwellings and agricultural uses.

Zoning: The site and surrounding properties are zoned Unclassified.

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

Washington State Environmental Policy Act: Categorically exempt.

APPLICABLE DEVELOPMENT REGULATIONS:

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.

Day care centers

Day care homes.

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/owner of the property is Clayton L. Jones. 19106 N Hinzerling Road, Prosser, WA. 99350 on Lot 2 of Short Plat 1951 in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 31, Township 9 North, Range 24 East, W.M.
2. The applicant is requesting approval of a Special Permit Application for the operation of a second hand store and sales of miscellaneous merchandise on the 2.16-acre site.
3. The application for SP 11-04 was submitted to Benton County on March 29, 2011 and was deemed complete for processing on March 30, 2011.
4. The notice for the Benton County Board of Adjustment Open Record Hearing for application SP 11-04 was published on April 21, 2011 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 5, 2011.
5. Special Permit Application SP 11-04 is categorically exempt from the requirements of the Washington State Environmental Policy Act.
6. The site is currently developed with a single-family residence and outbuildings on the property.
7. The Benton County Comprehensive Plan designates the site and surrounding areas as "Rural Lands 5".
8. The surrounding areas have been developed with residential structures and agricultural uses 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 Zone
9. The Benton-Franklin Health District has commented, "No additional requirements need to be met for this operation".
10. The Benton County Fire Marshal had the following comment: "Building(s) that will be used to sell merchandise from will be required to provide on site fire protection water if the building is over 2500 sq. ft. The amount of storage depends upon the building construction, combustibility of merchandise and the volume of the building." Required Comment: "Will need to see floor plan of building(s) in which the public will be admitted."
11. Benton County Building Department commented on April 8, 2011 that no building permits would be required. Then on April 20, 2011 the building forwarded the following comment: "Building permits are required for change in use of residential structures or construction of new building for business."
12. The Benton County Public Works Department had the following comments: "This site has been the site of a continuous yard sale. Vehicles currently park on both sides of Hinzerling Road, causing a potential safety hazard both to the traveling public and those patrons crossing

the road. (1) Both approaches are to be constructed to meet 96-05 standards and (2) Graveled off road parking is to be provided. All on street parking is to be prohibited.”

13. The applicant has requested that the business hours of operation be Friday, Saturday and Sunday, 10 a.m. to 5 p.m. and by appointment.

14. Applicant stated only one sign would be used for the business activity.

15. If this application is approved the Planning Department would recommend that the Board of Adjustment emphasize that he must keep the property picked up and cleaned up and that all waste created in association with the business as a result of this special permit must be disposed of off-site in a timely manor.

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 11-04, 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 11-04 until the applicant is in compliance with the following conditions. 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 it's 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. For zoning restrictions, all of the business activities must be contained to the areas located within the site plan submitted with the application.
4. That the applicant continues to comply with the Benton Franklin Health District codes and regulations and any changes or modifications to the original submitted plan 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 11-04 is in effect.
5. No parking within any part of the county right of way of Hinzerling Road will be allowed. The applicant shall continue to meet all such requirements while Special Permit SP 11-04 is in effect.
6. That the presence of customers/clients and non-resident employees at the business activity shall be limited to Friday through Sunday between the hours of 10:00 a.m. to 5:00 p.m. and by appointment. The applicant shall continue to meet all such requirements while Special Permit SP 11-04 is in effect.
7. That any proposed outdoor lighting associated with this special use permit is deflected downward to avoid unnecessary glare on neighboring parcels. The applicant shall continue to meet all such requirements while Special Permit SP 11-04 is in effect.
8. The applicant must apply for an approach permit for this business with the Benton County Public Works Department. The approach must be built to the Benton County Standard Plan 96-05.
9. 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.
10. The Benton County Planning Department, Benton County Building Department, the Benton County Fire Marshal and the Benton-Franklin District Health District must approve any changes or modifications to the original submitted application. The applicant shall continue to meet all such requirements while Special Permit SP 11-04 is in effect.
11. 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 11-05 is in effect.

In addition, currently the applicant has been working with the Benton County Code Enforcement Officer in regards to the amount of merchandise he has left in disarray on his property because of weather damage. The applicant does have a large amount of garbage or ruined items currently on site. He has been working on this and cleanup is ongoing.

" TIMELY MANOR " needs to be clarified to the applicant and the Board may suggest, that the Benton County Code Enforcement Officer monitor cleanup efforts for the first 120 days of permitted operation and forward the status of the applicant's cleanup of the property to the Planning Department. Code Enforcement will document the applicant's progress and if a noticeable improvement were not seen, then the Board would need to request at their October 6, 2011 meeting, to revoke the applicant's Special Use Permit.

SPECIAL USE PERMIT

SP 11-05

**APPLICANT:
RATTLESNAKE MOUNTAIN
ENTERPRISES, INC.
CHARLES EVANS**

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, 2011

HEARING DATE: MAY 5, 2011

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: SPECIAL PERMIT APPLICATION – SP 11-05

APPLICANT: RATTLESNAKE MOUNTAIN ENTERPRISES, INC,
108 ACORD ROAD.
BENTON CITY, WA 99320.

PROPERTY OWNER: CHARLES EVANS
P.O. BOX 5036
BENTON CITY, WA 99320.

SPECIFIC REQUEST: The applicant, Rattlesnake Mountain Enterprises, Inc., is requesting approval of Special Permit Application SP 11- 05 to operate an automotive repair shop in an existing detached accessory building on a 20.00-acre parcel.

BACKGROUND:

Site Location: The site is located at 108 Acord Road Benton City, WA 99320 in the East Half of the Southeast Quarter of the Southeast Quarter in Section 36, Township 10 North, Range 26 East, W.M.

Land Use: The site is currently developed with a single-family dwelling and several accessory buildings with the surrounding area being developed with a mixture of residential dwellings and agricultural uses.

Zoning: Site/surrounding properties are zoned Unclassified.

Comprehensive Plan: Site/surrounding properties are designated as "Rural Lands 5".

Washington State Environmental Policy Act: Categorically exempt.

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Benton County Code Section 11.48.010(g) (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."

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:

When the Board of Adjustment makes a decision to either approve or deny this proposal, the Board shall include in written findings of fact upon which the action is based. The following is

information compiled by the Planning Staff as of the date of this memo. The following should be considered by the Board of Adjustment and may be used in the Board's findings of fact for this proposal.

1. The applicant is Rattlesnake Mountain Enterprises, Inc. 108 Acord Road, Benton City, WA 99320. Property owner Charles Evans – 108 Acord Road – P O Box 5036 – Benton City, WA 99320
2. The applicant is requesting approval of Special Use Permit Application SP 11-05 to operate an auto repair shop in an existing accessory building.
3. The site is currently developed with a single-family dwelling and several accessory buildings with the surrounding area being developed with a mixture of residences and agriculture uses.
4. Special Permit Application SP 11-05 was submitted to the Benton County Planning Department on April 5, 2011 and was determined a complete application for processing on April 6, 2011.
5. Special Permit Application SP 11-05 did not require the publication of a Notice of Application.
6. The application was routed for review to: Benton County Department of Public Works, Benton Franklin Health Department, Benton County Fire District No. 1, Benton County Building Office, Benton County Fire Marshall, and the Washington State Department of Ecology.
7. Special Permit Application SP 11-05 is categorically exempt from the requirements of the Washington State Environmental Policy Act.
8. The notice for the Benton County Board of Adjustment Open Record Hearing for application SP 11-05 was published on April 21, 2011 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 5, 2011.
9. The site and surrounding properties are zoned Unclassified.
10. The Benton County Comprehensive Plan designates the site as "Rural Lands 5".
11. Benton County Building Office commented, "That a change in use permit, building permits are required for the operation of a business in new or converted residential buildings."
12. The Benton County Department of Public Works commented that the approach would need to be paved to the Benton County Standard 96-05, for a Business.
13. The Benton Franklin Health Department commented that proposal must comply with the following:
"This office has reviewed the proposed special use permit for Mr. Evans. From our records it appears that he has two existing SFR's on the property, which are served by their own, single-family wells and on-site septic systems. After reviewing Mr. Evan's proposal, this office

does not have any additional requirements that must be met. However, prior to any future employment of non-resident workers Mr. Evans should contact this office regarding development of one of the wells as a public water supply and any requirements for septic system expansion/alteration.”

14. The Benton County Fire Marshal provided the following comments related to the special permit application: “The proposed building is less than 2,500 sq. ft and there are no requirements. Should the building be enlarged or a new building built whose total area exceeds 2,500 sq. ft then on site fire protection water supply would be required.”

15. Auto repair businesses that have a large number of vehicles on site needing repair can begin to look like a junkyard. A large number of vehicles located around the accessory building and elsewhere on the property could give the appearance of a junkyard. A junkyard and a large amount of traffic could have a negative effect on future residential development.

The Benton County Code Section 11.04.020(26) provides the following definition for an “Auto Wrecking Yard”:

“Auto Wrecking or Junk Yards; Rubbish Dumps” means a lot, parcel of land or structure, or part thereof, larger than 200 square feet, used for storage, keeping or abandonment of junk, including waste paper, rags, scrap metal, scrap lumber, or discarded material; or used for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in operable condition; provided that this definition shall not be deemed to include lots used for the outdoor display and sale of used vehicles in operable condition; nor shall it include that part of a farm used for the storage of agricultural machinery kept for salvage by the owner for his own use, and not for sale, on farms having an area of not less than forty (40) acres.”

In order to prevent the site from becoming a junkyard the number of vehicles on site for repair should be limited to five.

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.

CONDITIONS:

This staff memo does not include information received after the date of this memo or at the open record hearing. Based on the information received as of the date of this memo, if the Board of Adjustment decides to approve Special Permit Application 11-05, the following are suggested conditions that the Planning Department recommends at this time:

1. Applicant shall not conduct any of the activities within the scope of Special Permit 11-05 until the applicant is in compliance with 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 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 complies with the Benton County Fire Marshal's requirements including those in the Fire Marshal's memo dated April 11, 2011. The applicant must provide written verification to the Benton County Planning Department that he has complied with the Benton County Fire Marshal's requirements. The applicant shall continue to meet these requirements and maintain the site while Special Permit SP 11-05 is in effect.
4. That the applicant provides written verification to the Benton County Planning Department that the applicant has obtained the necessary permits from the Benton County Building Department for using the existing building as a shop for auto repair. The applicant shall continue to meet all such requirements while Special Permit SP 11-05 is in effect.
5. That the applicant complies with the requirements of the Benton Franklin Health Department letter dated April 12, 2011. The applicant must provide written verification to the Benton County Planning Department that he has complied with the Benton Franklin Health Department's requirements. The applicant shall continue to meet these requirements while Special Permit SP 11-05 is in effect.
6. That the applicant prepare and implement a Best Management Practices (BMP's) plan for the proper handling of used oil, solvents and other hazardous materials. The applicant shall continue to meet all such requirements while Special Permit SP 11-05 is in effect.
7. That there only be five (5) customer vehicles or vehicles under repair parked outside. The vehicles parked outside shall be placed in an enclosure. The enclosure shall be at least a 6-foot high site-obscuring fence. The fenced area shall not be located between the existing

single-family dwelling and Acord Road. The applicant shall continue to meet all such requirements while Special Permit SP 11-05 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 11-05 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 11-05 is in effect.

10. Any used vehicle fluids, solvents and oils must be collected in waste containers and picked up by a third party oil company. In addition any air conditioning or recharging refrigerants must be recaptured in accordance with State and Federal regulations. The applicant shall continue to meet this requirement while Special Permit 11-05 is in effect.

11. No overnight outside parking of customers' vehicles is allowed, without a site-obscuring fence for storage. Storage areas with hulk and non-operable vehicles are prohibited outside of this fenced area. The applicant shall continue to meet all such requirements while Special Permit 11-05 is in effect.

12. The Benton County Fire Marshal commented that no special requirements are necessary for normal repair work; however welding and painting are not approved at this time.

RECONSIDERATION
SPECIAL USE PERMIT

SP 10-16

APPLICANT:
MATT/WHITNEY BAKER

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

DATE: APRIL 21, 2011

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

**APPLICANTS/
PROPERTY OWNERS:** MATT & WHITNEY BAKER
113618 N. HARRINGTON PR NE
WEST RICHLAND, WA 99352

RE: RECONSIDERATION FOR
SPECIAL PERMIT APPLICATION – SP 10-16

SPECIFIC REQUEST: The applicants are seeking a reconsideration of the Board of Adjustments denial of their Special Use Permit Application SP 10-16 for a special event center.

BACKGROUND:

On February 3, 2011 and March 3, 2011, the Benton County Board of Adjustment conducted open recording hearings on Special Permit Application 10-16. After considering all testimony presented the Board voted to deny the application. On March 31, 2011, the Benton County Planning Department received a letter from John S. Ziobro, (dated March 24, 2011) Attorney for the applicants, requesting that the Board of Adjustment reconsider their decision pursuant to BCC 11.52.089(c)(1).

BCC 11.52.089(c)(1) states the following:

“(1) Following the conclusion of an open record hearing on a variance or conditional use/special permit application, the Board of Adjustment shall approve, approve with conditions, or deny the requested variance or conditional use/special permit. If the Board of Adjustment grants a variance or a conditional use/special permit, it shall also recite the conditions and limitations that are imposed. The decision shall be in writing and shall include the Board of Adjustments conclusions and the findings of fact supporting such conclusions. **Upon receipt of a written request from an applicant stating the reasons for requesting the reconsideration, it is within the discretion of the Board of Adjustment to reopen the open record hearing on any matter prior to the adoption of such written decision; provided, written notice of such request and any hearing to consider the request must be given to all persons providing evidence to the Planning Department for submittal to the Board of Adjustment or who provided evidence at a hearing on such matter.**”

On March 31, 2011 the Board of Adjustment had not adopted the Board of Adjustment's Findings of Facts for Special Permit Application 10-16.

The procedure used by the Board of Adjustment is that the Board would discuss the request at the May 5, 2011 meeting without taking public testimony on the issue and determine if they want to reconsider the decision on this application. If the Board decides to reconsider the application,

an open record hearing would be scheduled for the June 2, 2011, Board of Adjustment meeting and notice of the hearing would be sent to all persons who provided evidence to the Planning Department for submittal to the Board of Adjustment or who provided evidence at a hearing on such matter.