

Benton County Planning Department

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**BENTON COUNTY BOARD OF ADJUSTMENT
REGULAR HEARING – AUGUST 7, 2014 – 7 P.M.
PLANNING ANNEX – 1002 DUDLEY AVENUE
PROSSER, WA 99350**

**THESE MINUTES ARE A SUMMARY OF THE BOARD OF ADJUSTMENT
HEARING AND NOT A VERBATIM TRANSCRIPT**

The Chairman opened the Board of Adjustment Hearing.

CALL TO ORDER

PRESENT:

Aimee Bergeson
Brent Chigbrow
Bob Page

ABSENT:

Dean Burows

STAFF PRESENT:

Clark A. Posey, Assistant Planning Manager
Carel Hiatt, Recorder

APPROVAL OF MINUTES:

MOTION: It was moved by Bob Page and seconded by Aimee Bergeson to approve the minutes of the May 1, 2014 Board of Adjustment Hearing. Motion carried.

Clark A. Posey, Assistant Planning Manager, read to the Board ex parte questions for all actions and those wishing to testify during the hearing on actions presented to the Board of Adjustment tonight were sworn in. Members stated that they had no ex parte communication with regards to any of the actions being presented to the Board tonight.

CONSENT AGENDA ITEMS:

- 1) **Extension Request – CUP 2013-007 – Chris Upchurch**
- 2) **Extension Request – CUP 2012-002 – Kurk Watts**

MOTION: Bob Page made a motion which was seconded by Aimee Bergeson that the Consent Agenda Items: CUP 2013-007/CUP 2012-002 should be granted another year extension in order to satisfy the conditions of approval imposed by the Board of Adjustment for each permit. Motion carried.

The Chairman asked the Planner if this action was due to Code Enforcement. The Planner stated that to be correct and then gave a brief summary of CUP 2014-003 and entered into the record by reference the following exhibits: BOAM 1.1 to 1.19, BOAR 1.1 to 1.8 and BOAH 1.1 to 1.19.

CONTINUED ITEM:

CONDITIONAL USE PERMIT – CUP 2014-003: The applicants are seeking a Conditional Use Permit for the operation of an event center for weddings, reunions, anniversaries, birthday parties, etc. (Wine Country Gardens). The events are to be conducted on a 4.77 acre parcel of land. The property is in the Rural Lands 5 Zoning District. This property is located in an area of single-family residential homes and large pastures and grape fields. Two existing buildings are presently being used on the property: (1) 800 sq. ft. kitchen, restroom and bride's room and (2) the other building a 4,200 sq. ft. covered outside patio with an outdoor refreshment area, band area and dance floor. LOCATION: The property is at 16302 N. Bone Road - Prosser, WA 99350 in the East Half of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter in Section 29, Township 9 North, Range 24 East, W.M. APPLICANTS: ADAM/MARIA MILANEZ

APPLICANT TESTIMONY: ADAM MILANEZ – 16302 N BONE ROAD – PROSSER, WA 99350 stated that he and his wife would like to operate an event center for weddings, birthdays, etc. The property was located on a private road, quiet area and the property was beautifully landscaped.

The Chairman asked the applicant if he had read and understood the conditions of approval and had he satisfied any of those conditions to date.

The applicant replied that he was advised to obtain the approval from the Board prior to working towards satisfying the conditions.

The Chairman stated that any food preparation on site would need Health Department approval.

APPLICANT: All the events would be catered and this had been discussed with the Health Department. He continued to state that he had discussed this food situation with the Health Department and again was advised to await the Board's decision, prior to moving forward on this application.

The Planner informed the Board that the applicant was advised not to proceed until he knew the Board's outcome on this action.

The Chairman read to the applicant Condition No. 1. The applicant understood that he would be unable to conduct business until the required conditions of approval had been satisfied.

The Chairman stated that the applicant would need to provide a parking plan. How many events per year would be conducted at the site? The applicant replied maybe 10 to 15.

The Chairman asked the applicant to give an approximation as to the number of attendees per event. The applicant replied that could be anywhere from 100 to 250. Chairman discussed alcohol on site. The applicant replied that would be up to

the requestor as he would not provide any alcohol and they would also need to get a banquet permit and it would be posted on site during the event.

The applicant outlined his security plan to the Board stating that he would have four security persons on site for each event.

Mr. Page questioned the applicant about the altercation event. The applicant replied that it was a family event and some people showed up uninvited and from that he learned that more security would be needed.

The Chairman noted Condition No. 3 which limits the number of attendees to 200. How would you handle the situation if more than 200 showed up to an event?

The applicant again outlined his proposed security plan.

Mr. Page asked how many people would be working at each event as they would not be counted as invitees.

The Planner clarified that the applicant was only responsible for providing the facility.

The Chairman addressed waste disposal. The applicant replied that after each event the waste was put in bags and he disposed of the trash the next day.

The applicant will provide parking attendants.

The Chairman stated that the applicant would be allowed only 100 cars on site for each event.

PROPONENT TESTIMONY:

MITCH MEESKE – 25001 NORTH ROTHROCK ROAD – PROSSER was in favor of this proposed event center. The site was beautifully landscaped and had installed security lighting. The area needs this type of a business.

DILILAH MELANDREZ – 503 NICKA ROAD APT. A – GRANDVIEW, WA 98930 was in favor of the Board approving this beautiful facility.

OPPONENT TESTIMONY – NONE
APPLICANT REBUTTAL – NONE

The Chairman closed the public portion of the hearing.

MOTION: Bob Page made a motion which was seconded by Aimee Bergeson that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Adam/Maria Milanez CUP 2014-003 should be **approved with conditions** and that the Chairman, in conjunction with the Secretary of the Board of Adjustment, prepare and adopt written findings and conclusions that articulate and are consistent with the findings, conclusions and/or

decisions made by the Board of Adjustment tonight. Motion carried.

CONDITIONAL USE PERMIT – CUP 2014-004 - The applicant is requesting approval of a Conditional Use Permit for the operation of fence manufacturing, repair and paint/powder coating business. **LOCATION:** The site is located at 27205 S 1942 PR SE Kennewick, WA 99337 in the East Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter in Section 17, Township 8 North, Range 30 East, W.M. on 2.05 acres. Applicant: ADAN LANDIN DE LA MORA

The Chairman opened the public portion of the hearing and asked the Planner if this action was due to Code Enforcement. The Planner stated that to be correct and then gave a brief summary of CUP 2014-004 and entered into the record by reference the following exhibits: BOAM 1.1 to 1.14, BOAR 1.1 to 1.2 and BOAH 1.1 to 1.11.

APPLICANT TESTIMONY: ADAN LANDIN DE LA MORA, SR AND ADAN LANDIN JR. 272055 1942 PR SE KENNEWICK, WA 99336 stated that they wanted to operate a welding fence manufacturing, repair and paint/powder coating business.

The Chairman asked if the painting was strictly powder coating. The applicant replied only powder coating.

The Chairman asked about the size of the proposed building in which this business would be conducted. The applicant replied that the size of the building would be 48 x 44.

The Chairman asked the applicants if they had read and understood the Staff Memo complete with agency comments, restrictions and conditions. The applicants replied that they had read the packet.

The Chairman continued to state that there was quite an extensive list from the Fire Marshall. He asked the applicants how they plan to address the fumes from the paint booth, welding and noxious odor. Will fans and filters be installed in the building? How will you implement those improvements in this building? The Board needs to have something tangible to review with regards to these issues. How will you not only protect yourself, but also your neighbors from paint fumes, smoke fumes, etc.? In addition to the Board needing a plan the Fire Marshal had also addressed these concerns in his comment letter. He informed the applicants that they need to look this information over and make certain that they are in compliance with the Fire Marshal's requests.

Mr. Page asked about the size of the building. The applicant replied 48x44.

The Planner interjected that the applicants could build a larger shop, but could only utilize 1800 square feet of the building for the business.

Adan Landin, Jr. corrected stating that the size of the building would be 44x84 not 48x44.

Mr. Page asked about material delivery to the site. The applicant replied by a truck or hand delivered.

The Chairman asked the applicants about access to the site. The applicants replied that they would like to obtain access off of Bowles Road.

The Chairman continued by stating that the applicants would need to apply for an encroachment permit through the Benton County Public Works Department.

The applicants replied that they wanted the access just for their property and business not for their neighbors.

Mr. Page stated that it would also depend on the plot plan and title report regarding access to the site.

The Chairman asked the applicants to address waste disposal created from the business. The applicants replied that they have regular garbage pick-up.

Mr. Page asked the applicants about the Fire Marshal's comments and had they looked into the costs involved for the air purification and paint booth. He informed the applicants that their proposed plan may be cost prohibitive, so they may want to review the Fire Marshal's comments again.

The Chairman felt that the applicants needed to present more information to the Board on this action with regards to the Fire Marshal and Clean Air Authority requirements. The Board did not have enough information from the applicants to reach a decision on this action. If the Chairman had to vote on this action tonight it would be to deny this conditional use permit application. The applicants need a safety plan, parking plan, address the Fire Marshal's and Benton Clean Air Authority's requirements. He suggested to the applicants to continue this action 30-60 days in order to address the Board's questions.

Adan Landin, Jr. asked if the decision would be different if no powder coating was involved in this project.

The Chairman again informed that the applicants that information was lacking on this action in order for the Board to reach a decision. The applicants replied that the amount of time to address the Board's concerns could be undetermined.

Mr. Page informed the applicants that if they needed more than 30 days to address the concerns of the Board then just let the Planning Department.

The Planner informed the applicants that if they plan on not doing painting/powder coating to inform the Fire Marshal and Benton Clean Air Authority of that decision.

PROPONENT TESTIMONY: ADAN LANDIN, JR. interpreted for his uncle – who stated that the business would begin with welding.

The Chairman again stated that the applicants need to connect with the Benton County Fire Marshall and Benton Clean Air Authority regarding their requirements and then return with a plan for the Board to review and decision making.

Adan Landin, Jr, stated that they have people awaiting their services.

OPPONENT TESTIMONY: RAE SCHUBERT – 26312 South 1942 PR SE, Kennewick, resides on the same private road as the applicants. Rural Lands Zoning District disallows the following types of business: (a) repair, body work or painting surface on automobiles, motorcycles, and marine, off road vehicles, trailers, heavy equipment, recreational vehicles or semi-trucks for persons not residing on the premises. The Business Activity including all storage space shall not occupy more than 1800 square feet. The applicants' are proposing an 84x40 building. The road is getting beat up by the numerous cars that the applicants' have coming to their site. She presented two pictures to the Board of Adjustment – Exhibit Nos. BOAH 1.10 and BOAH 1.11 which shows the disrepair of the access road. The wells are shallow. The area was agricultural in nature not commercial. She expressed concern over chemicals from this operation leaking into the ground water.

Mr. Page asked Ms. Schubert where here residence was located in relationship to the applicants' site. She stated that her residence was the fourth house and the farthest from the applicants. She also expressed concern over property values.

JOHN BURNETT – 6671 LANGFORD ROAD, MESA, WASHINGTON – representing his mother Ms. Burnett who resides on 195006 E Bowles Road which was the property adjacent to the applicants' site. He stated that the land site for the proposed building was built on an underground spring. He had the following concerns: water pollution, parking lot of the business sometimes has standing water, paint and powder coating chemicals may seep into the ground water, thereby contaminating the surrounding property owner's wells, noise pollution due to the grinders and welding equipment. The properties in this area are mainly agriculturally related of which this type of business would not be compatible. No septic system was proposed to collect waste materials generated from the painting business. Well installation was not addressed.

KAY SCHUBERT GILBERT 42 TULIP COURT – PASCO, WA 99301 – owns property in the immediate vicinity. She stated that if the Board adheres to the code requirements for this zoning district this type of business would not be allowed.

The Chairman stated that this type of business would be allowed if approved by the Board of Adjustment by a conditional use permit Business Activity.

RAE SCHUBERT noted that there are other businesses existing in the immediate vicinity, but does not want this type of business to be permitted.

The Chairman closed the public portion of the hearing.

The Board was in agreement to continuing this action for 30 to 60 days thereby giving the applicants time to meet with the Benton County Fire Marshal, Benton Clean Air Authority and Benton Franklin Health District. He needs a parking plan, fire plan and addresses the conditions of approval.

The Chairman reopened the public portion of the hearing for the taking of additional public testimony.

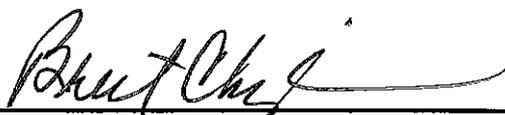
MOTION: Bob Page made a motion which was seconded by Aimee Bergeson to continue Conditional Use Permit – CUP 2014-004 to the September 11, 2014 Board of Adjustment Hearing – 7 p.m. Planning Annex – 1002 Dudley Avenue – Prosser, WA 99350 for additional testimony in order to give the applicants time to meet with the Benton County Fire Marshal, Benton Clean Air Authority, Benton Franklin Health District, and to develop a parking and fire plan. The applicants will need to contact the Benton County Planning Department if additional time will be needed. Motion carried.

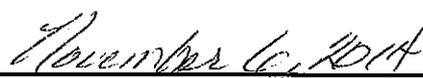
PLANNING DEPARTMENT REPORTS AND DISCUSSION:

Hearings Examiner Update was given to the Board.

MOTION: It was moved and seconded that the regular Board of Adjustment Hearing date – September 4, 2014 be changed to September 11, 2014. Motion carried.

There being no further business before the Board of Adjustment the meeting was adjourned at 8:15 p.m.


BRENT CHIGBROW, CHAIRMAN


DATE