

**BENTON COUNTY BOARD OF ADJUSTMENT
REGULAR HEARING – AUGUST 8, 2013 - 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

CALL TO ORDER

PRESENT: Aimee Bergeson
Brent Chigbrow
Bob Page

ABSENT: Dean Burows

STAFF PRESENT: R.J. Lott, Associate Planner
Carel Hiatt, Recorder

APPROVAL OF MINUTES:

MOTION: It was moved by Bob Page and seconded by Aimee Bergeson to approve the minutes of the July 11, 2013 Board of Adjustment Hearing. Motion carried.

R.J. Lott, Planning Staff, 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.

The Chairman opened the public portion of the Board of Adjustment Hearing.

CONSENT AGENDA:

CUP 12-02 – KURK WATTS – EXTENSION REQUEST

MOTION: It was moved by Bob Page and seconded by Aimee Bergeson to approve the one year extension request for CUP 12-02 – Kurk Watts. Motion carried.

NEW BUSINESS:

CONDITIONAL USE PERMIT – CUP 13-07: The applicant is applying for a conditional use permit for the construction and operation of a 5,000 square foot private micro-winery including a small apartment for owner's use. The facility will be closed to the public with no tasting room or tours. Sales will be by done via the Internet or outside distribution. The application was submitted to the Planning Department on June 28, 2013 and deemed complete for processing on July 1, 2013. Location: The Northeast Quarter of the Southwest Quarter of the Southeast

Quarter of Section 17, Township 9 North, Range 27 East, W.M. being Lot 4 of Short Plat 2663 Applicant: Chris Upchurch.

The Planner summarized said action for the Board noted the following corrections be made to the staff memo: (1) Page 4, No. 10 of the findings of fact – the property is not zoned Agriculture, but Rural Lands 5 and (2) Condition No. 8 – the Board will need to either grant the applicant two or three parking spaces. Exhibits entered into the record: BOAM 1.1 to BOAM 1.10, BOARD 1.1 to BOAR 1.4.

APPLICANT TESTIMONY:

DUSTIN GRUETTER – DC BUILDING – 16726 146TH ST SE, STE 105 – MONROE, WASHINGTON 98272 representing the applicant Chris Upchurch – Deville Cellars. Three to four employees will be working at the site. The basement will be for wine, wine barrel storage, lab and office building. A private apartment would be located on the second floor for the property owners only. Traffic would be minimal, no tasting room and the facility will be of low impact.

The Chairman asked the applicant to describe the structure. The applicant explained to the Board the types of material to be utilized for the construction of the barn type looking structure.

The Chairman asked if the applicant had reviewed the conditions of approval affixed to the conditional use permit and were there any questions pertaining to the conditions. The applicant replied the conditions were acceptable and they had been reviewed by the applicant-Mr. Upchurch and the builder-Mr. Loftus.

The Chairman asked if three vehicles marked to identify the business on site at any one time would be acceptable. The applicant replied that three would be adequate.

The Chairman asked if the wine product would be marketed via the Internet. The applicant replied that Deville Cellars was a premium wine known worldwide and that no sales would be conducted at this site.

The Chairman informed the applicant not operate the business until the conditions had been satisfied and the permit was issued by the Planning Department Benton County Planning Department.

The applicant understood Condition Nos. 1 and 2, but questioned the submittal of a building permit.

The Chairman stated that the applicant would be able to submit for a building permit, however, nothing could be marketed from the site until a permit had been issued by the Benton County Planning Department for the Conditional Use Permit. In addition, the applicant was cautioned to remain in contact with Benton County and the Benton Franklin Health Department.

The Chairman asked the applicant if he had been in contact with the Washington State Department of Transportation regarding access to the site. The applicant was unsure as he was not handling that aspect of the project.

The Chairman questioned whether or not a well was located on site. The applicant replied that he thought there was, if not one would need to be drilled.

The Planner informed the Board and the applicant that the site was approved by a public water supply.

The Chairman informed the applicant to make certain that the Planning Department received all copies of approvals from various agencies as requested in the conditions of approval. The applicant replied that he would comply.

OPPONENT TESTIMONY: NONE.

PROPONENT TESTIMONY:

PAT ARTZ – P O BOX 22 – 32906 HUMMINGBIRD - BENTON CITY, WA 99320 located his residence of the aerial provided at the hearing. He was not against this conditional use permit, but his biggest concern centered on access to the site. During the summer months there would be about 20 to 30 workers on site, increase in traffic especially during harvest, worker vehicles, concern over speed on the main road in addition to the off road being quite steep. He pointed out another access to the site which comes out onto Kennedy Road.

The Chairman noted that access to the site would be addressed.

Mr. Page stated that the applicant did have a permit for access to the site at Milepost 1.07.

The Chairman read Condition No. 9 which states: "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 Conditional Use Permit CUP 13-07 is in effect."

FRED ARTZ – 2604 FRONTIER ROAD – BENTON CITY, WA 99320 owns property in the area and has known the applicant for many years. The concerns he expressed were with regards to access to the site, potential impact to the area during harvest with regards to increase in traffic.

APPLICANT REBUTTAL: NONE.

The Chairman closed the public portion of the hearing. Board discussion and Findings of Fact completed.

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 Chris Upchurch – CUP 13-07 should be **approved with conditions as noted in the Staff Memo dated July 18, 2013 with a change to Condition No. 8 to read: That not more than three (3) vehicles. . . .** 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 (Three in favor with zero opposed.)

CONDITIONAL USE PERMIT – CUP 13-08 – The applicant is applying for a conditional use permit for the operation of a mobile sharpening business with some equipment being stored in a detached building located on site. The application was submitted on July 5, 2013 and deemed complete for processing on July 8, 2013. Location: Southwest Quarter of the Southwest Quarter North of SR 397 in Section 15, Township 8 North, Range 30 East, W.M. Lot 1 of Short Plat 1430 on 213412 East State Route 397. Applicant: James Hutchens.

The Planner summarized said action for the Board stating that the applicant was applying to operate a mobile sharpening business with all of his equipment being stored on his truck. The applicant had obtained a Home Occupation for this mobile sharpening business, but due to the fact that larger equipment would be stored in a detached building a conditional use permit would be required. Exhibit Nos. BOAM 1.1 to 1.11 and BOAR 1.1 to 1.3 entered into the record by reference.

APPLICANT TESTIMONY: JAMES HUTCHENS 213412 EAST STATE RT. 397 – KENNEWICK, WA 99337 stated that he wanted to operate a mobile sharpening business with a majority of his equipment being stored on his truck. The applicant had obtained a Home Occupation for this mobile sharpening business, but due to the fact that larger equipment would be stored in a detached building a conditional use permit would be required.

The Chairman asked if the applicant would be having customers or sale of products conducted at the site in addition to his mobile unit. The applicant replied that it would be very rare to have customers come to his residence.

The Chairman asked the applicant if he had read and understood the conditions of approval especially Condition Nos. 1 and 2 with the understanding that no business could be conducted out of the detached building until the conditional use permit had been issued. The applicant replied that he had read and understood all of the conditions of approval affixed to this action.

Mr. Page asked the applicant about signage. The applicant replied that the signage would be smaller than what the Board would permit.

The Chairman informed the applicant to make certain that the Planning Department received all copies of approvals from various agencies as requested in the conditions of approval. The applicant replied that he would comply.

PROPONENT TESTIMONY/OPPONENT TESTIMONY/APPLICANT REBUTTAL: NONE.

The Chairman closed the public portion of the hearing on this action. Board discussion and Findings of Fact concluded.

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 James Hutchens – CUP 13-08 should be **approved with conditions as noted in the Staff Memo dated July 18, 2013** 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 (Three in favor with zero opposed.)

There being no further business before the Board of Adjustment the meeting was adjourned at 7:50 p.m.



BRENT CHIGBROW, Chairman

10/3/2012

Date Signed