

**BENTON COUNTY BOARD OF ADJUSTMENT  
REGULAR HEARING – SEPTEMBER 6, 2012 -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:** Brent Chigbrow  
Bob Page  
Aimee Bergeson  
Dean Burows

**STAFF PRESENT:** Clark A. Posey, Senior Planner  
Carel Hiatt, Recorder

The public hearing was opened. Clark Posey, Planning Staff, read to the Board ex parte issue questions and those wishing to testify during the meeting were sworn in

**APPROVAL OF MINUTES**

**MOTION:** It was moved by Bob Page and seconded by Aimee Bergeson that the Chairman and Vice-Chairman approve the July 12, 2012 and August 2, 2012 minutes. Motion carried.

**RECORDED VOTE:**

**FAVOR:** Brent Chigbrow, Bob Page, Aimee Bergeson, Dean Burows  
**AGAINST:** None  
**ABSENT:** None  
**ABSTAIN:** None

**CONSENT AGENDA ITEMS:**

- (1) Conditional Use Permit – CUP 07-07 – Keith/Terry Burkhart**
- (2) Special Use Permit – SP 08-14 – Walter Bear**

**MOTION:** It was moved by Dean Burows and seconded by Brent Chigbrow that the Consent Agenda Items CUP 07-07 and SP 08-14 be granted another year extension on these actions. Motion carried.

**RECORDED VOTE:**

**FAVOR:** Brent Chigbrow, Bob Page, Aimee Bergeson, Dean Burows  
**AGAINST:** None  
**ABSENT:** None  
**ABSTAIN:** None

**NEW BUSINESS:**

**VARIANCE REQUEST – VAR 12-05 – The applicant is requesting a variance from BCC 11.16A.080(a)(4) for a 5.5 foot reduction from the required 10 foot side yard setback for the construction of a covered deck. The site is located at 55603 N Frazier Road on**

**Lot1 of Short Plat 221 in Section 1, Township 9 North, Range 26 East, W.M. Applicant: Clair Christensen 55603 North Frazier Road Benton City, WA 99320**

The Planner summarized said action and entered into the record Exhibit Numbers BOAM 1.1 to BOAM 1.9 and BOAR 1.1 to BOAR 1.4 and BOAH 1.1 – Email from Benton Franklin Health District dated August 29, 2012.

**APPLICANT TESTIMONY:**

**CLAIRE CHRISTENSEN – 55603 NORTH FRAZIER ROAD, BENTON CITY, WA 99320** stated that she was unaware of the need for a variance and building permit for the construction of her porch/overhang. She has stopped construction upon notification that a permit would be required and presents tonight to the Board seeking a variance for the south end of her residence. She submitted in a picture of the porch – BOAH 1.2. She mentioned that she does have dog runs on her property. She understands that one of the conditions of approval would be to have her property surveyed.

Mr. Burows asked the applicant to describe the dog runs. The applicant replied that they are concrete pads with the fencing being cedar from the property line to the residence and then there are two chain link fences to divide the dog runs.

Mr. Burows asked if there was a kennel adjacent to the dog runs. The applicant replied that there was not.

Mr. Burows asked the applicant how many dogs were located on site. The applicant replied three and then retracted that and stated that there were five dogs located on site.

Mr. Burows informed the applicant that she would need to apply for a conditional use permit for the operation of a kennel as she had more than three dogs on site. The applicant understood that and informed the Board that her neighbor Mr. Dutt had eight dogs; but we didn't complain about that. Mr. Burows informed the applicant that Code Enforcement would. The applicant replied that she would be happy to apply for a variance for that.

Mr. Burows asked if she had obtained a building permit for the construction of the porch/awning. The applicant replied no building permit was obtained. She was informed that seeing she resided in the County no permits would be required. She would obtain a permit if the Board approves her variance request.

The applicant continued to state that she had obtained contractor assistance for the construction of the porch, but the majority of the work on the porch she had done herself.

Mr. Burows asked if the contractor was licensed. The applicant replied that to be correct.

Mr. Burows asked if the posts in the ground currently were set in concrete. The applicant replied that to be correct.

**PROPONENT TESTIMONY: NONE.**

**OPPONENT TESTIMONY:**

**DAN DUTT – 55403 N FRAZIER ROAD – BENTON CITY, WA 99320** –was a neighbor to the applicant. He had the following comments: (1) had been employed in construction, (2)

aware that permits for construction were required in the county, (3) aware that the variance requirement would be 10 feet from the property line. He read his testimony into the record. His residence was 13 feet from the property line and the applicant's was 15 feet. Concerned over drainage from the applicant's roof as it was higher than his residence and fire seeing as the dwellings are located close to each other. If the Board approves this setback then it should be allowed for everyone. He submitted seven pictures BOAH 1.3 to BOAH 1.9.

**APPLICANT REBUTTAL: None**

The Chairman closed the Board hearing and asked for Board discussion and findings of fact.

Mr. Burows stated that the drainage could be engineered and guttered off to a drain pipe underground where it does not become a concern. His concerns regarding this variance request was (a) the quality of construction, (b) whether it was structurally sound, (c) whether the 4x4 would hold up, (d) the building department would need to issue a permit with inspections. The neighbor probably has some grounds with regards to fire, inadequate construction, termite issue with construction being so close to the neighbors.

Mr. Chigbrow stated that the Board may want to condition this request that the building department passes inspection of the building. It would be hard to approve this variance request without the building department stating that the construction was structurally sound.

Mr. Burows concerned over the dog runs being constructed on the property line. In addition, the applicant was out of compliance due to the number of dogs on site being over five, such was her neighbor.

The Planner informed the Board that being out of compliance with regards to the number of dogs not only for the applicant, but also for the neighbor would be a Code Enforcement matter.

Mr. Page commented that the contractor the applicant hired should have known to obtain a building permit.

Mr. Chigbrow stated again that without the Building Inspector's okay on this construction he would have a difficult time approving this variance request.

Mr. Page replied that the Building Inspector cannot review this structure unless a permit has been issued thereby necessitating the need for a variance.

The Planner informed the Board that if the variance was denied then the structure would need to be removed.

Mr. Burows commented that the existing residence was legal, but the newly constructed porch was not

The Planner replied that there could be a two foot overhang.

**MOTION:** It was moved by Dean Burows and seconded by Brent Chigbrow that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Claire Christensen VAR 12-05 should be approved with the conditions as outlined in the staff report dated August 24, 2012 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 with the following added conditions: Condition No. 5 – That all Benton County Codes are followed, such as: building and health requirements. If the applicant does not satisfy and follow the Benton County Codes then this variance request will be revoked. Condition No. 6 – Drainage runoff is to be reviewed by the Benton County Building Department, so that the drainage slopes away from the building and does not have an adverse effect to the adjacent property owner. The structure must have gutters and downspouts installed. Motion carried.

**RECORD OF THE VOTE:**

**FAVOR: BRENT CHIGBROW, DEAN BUROWS, AIMEE BERGESON AND BOB PAGE**  
**AGAINST NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

**CONDITIONAL USE PERMIT – CUP 12-04 – Operation of a retail business of selling home décor items in an attached garage as a Home Occupation. The site is located at 98104 E Clover Road – Kennewick, WA on Lot 13, Block 1 of El Rancho Reata #4 in Section 3, Township 8 North, Range 28 East, W.M. Applicant: Nadine Johnson – 98104 E Clover Road – Kennewick, WA 99338**

The Chairman opened the hearing for CUP 12-04. The Planner summarized said action and entered into the record Exhibit Numbers BOAM 1.1 to BOAM 1.13 and BOAR 1.1 to BOAR 1.3.

**APPLICANT TESTIMONY:**

**NADINE JOHNSON – 98104 E CLOVER ROAD – KENNEWICK, WA 99338** stated that she would like to run a home décor business from her attached garage. The business would be open two days a week – Friday and Saturday 9.am. to 5 p.m. She would not be selling yard sale items nor would this business turn into a continuous yard sale.

The Chairman asked the applicant if she was a licensed dealer of which the applicant replied she was.

The applicant informed the Board that if the business outgrew this location then it would be relocated to a store front.

The Chairman asked the applicant to explain her advertising plan and if there would be any signage in her yard. The applicant responded that advertising would be done via the Internet, word of mouth and that no signage would be installed or visible on site.

Mr. Burows questioned the applicant about the 16 parking spots. The applicant replied that in all actuality only four parking spots would be needed for her business.

**PROPONENT TESTIMONY: NONE.**  
**OPPONENT TESTIMONY: NONE**  
**APPLICANT REBUTTAL: NONE**

Hearing closed by the Chairman and findings of fact were completed.

**MOTION:** It was moved by Dean Burows and seconded by Bob Page that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Nadine Johnson CUP 12-04 should be approved with the conditions as outlined in the staff report dated August 24, 2012 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.

**RECORD OF THE VOTE:**

**FAVOR: BRENT CHIGBROW, DEAN BUROWS, AIMEE BERGESON AND BOB PAGE**  
**AGAINST NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

**CONDITIONAL USE PERMIT – CUP 12-05 – The applicant is requesting a conditional use permit for the operation of a retail animal feed store in an existing detached building. The site is located at 10613 S 2058 PR SE – Kennewick, WA on Lot 3 of Short Plat 441 in Section 9, Township 8 North, Range 30 East, W.M. Applicant: Shelley Weber – 10613 S 2058 PR SE – Kennewick, WA 99337**

The Planner summarized said action and entered into the record Exhibit Numbers BOAM 1.1 to BOAM 1.12 and BOAR 1.1 to BOAR 1.4.

**APPLICANT TESTIMONY:**

**SHELLEY WEBER – 10613 S 2058 PR SE – KENNEWICK, WA 99337** stated that she would like to open a retail animal feed store in her existing 24 foot by 24 foot shop. The business would be open to the public, six days a week 9 a.m. to 6 p.m. with food products for all types of animals including domestic animals. She stated that there was not a feed store within close proximity of her property to supply this type of merchandise.

Mr. Chigbrow asked the applicant about the number of customers frequenting her store per day.

The applicant replied that the busy time would be from 4 to 6 and was hoping for a decent turnout of customers.

Mr. Chigbrow asked the applicant to name the road in front of her residence.

The applicant replied the road in front of her residence was 2058 PR SE not Finley Road. She informed the Board that there was a road maintenance agreement. She outlined her residence and the road on the aerial provided.

Mr. Chigbrow asked if the road maintenance agreement extended down to Finley Road and serviced the seven residents on 2058 PR SE. Also, who maintains the road from your residence to Finley Road. The applicant replied no one and she outlined on the aerial which houses accessed onto the Private Road and the ones that accessed onto Finley Road.

The Planner informed the Board that the County has no jurisdiction on a private road. The only thing allowed in this case is if a commercial operation comes off of Finley Road in this case the approach would need to be paved to meet Standard Plan 96-05.

The Planner continued to state that the Board could approve or deny the use on the applicant's particular parcel with regards to the zoning requirement. The only thing that you cannot do is say you can do whatever on that road as the Board has no authority on a private road. The applicant's covenants might dictate something different.

Mr. Burows stated that for him it would be difficult to address H in the findings of fact which states "The granting of the Special Use Permit would not (would) 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."

Mr. Burows asked the applicant if the homeowners associated had granted her permission to utilize the road for her business.

The applicant replied that no one had ever discussed the road situation. She had lived in this area as had others for eleven years and maintenance of the road had never been discussed.

Mr. Burows explained to the applicant the difference between operating a business off of this road versus doing personal repair, such as vehicles.

Mr. Chigbrow voiced traffic concern over Finley Road to the applicant's corner.

The applicant stated she would have parking for eight vehicles.

The Planner informed the Board again that they have no jurisdiction over a private road, just for the operating of a business.

The applicant did not think that traffic would be a big issue on this road. She continued to state that if the business became too large, then she would relocate the business to another area.

Mr. Burows expressed his concern still over public safety with the operating of a business on a private road.

**PROPONENT TESTIMONY: NONE.**

**OPPONENT TESTIMONY:**

**ROBIN RICHARDS – 206105 E FINLEY ROAD – KENNEWICK, WA 99337** outlined his residence on the aerial provided. He gave the Board a picture of the road – Exhibit No. BOAH 1.1 dated September 5, 2012, Traffic Study Report – Exhibit No. BOAH 1.2 and letter from Mr. Pellerberg dated September 6, 2012 – Exhibit No. BOAH 1.3. Mr. Richards owns the Finley Shopper that also had an established feed store for over 12 years. He owns the property along the private drive and expressed concern over the following :(1) safety of people pulling onto Finley Road, (2) extensive traffic on Finley Road, (3) abandoned CID manhole of which he has had to pull numerous vehicles out of the manhole. (4) no stop sign on the private road. He has lived on this road for 15 years and seen it graveled once just in front of specific residences. Mr. Richards submitted in testimony from a neighbor. Mr. Pellerberg – who had not received notice of this hearing nor could he be in attendance at tonight's meeting BOAH 1.3. Mr. Pellerberg also objected to the applicant's proposal.

Mr. Burows asked Mr. Richards to point out Mr. Pellerberg's residence on the aerial provided.

Mr. Richards continued to state that there could be a fair amount of delivery truck traffic to the site. He continued with concern over dust control, people getting stuck in the abandoned CID manhole and noise pollution. He felt that the street should be paved and a stop sign installed.

Mr. Burows asked Mr. Richards if there was road maintenance agreement. He replied that he was unaware of any agreement.

**APPLICANT REBUTTAL:**

**SHELLEY WEBER – 10613 S 2058 PR SE – KENNEWICK, WA 99337** – stated that Mr. Pellerberg knew about her proposal over two months ago and was in favor, but now he objects due to a personal issue between him and the applicant. She was aware of the abandoned CID manhole, but had never seen a vehicle get stuck. She had never seen large rocks on the road.

The Planner informed the Board for the record that Mr. Pellerberg and Karen Rockwell were notified.

The Chairman closed the public portion of the hearing and asked for Board discussion.

Mr. Page stated that the Board could not deny a conditional use permit for the operating of a commercial business just because it would access onto a private road. The Board has no jurisdiction with regards to a private road. Vehicle traffic on the private road would be limited, however, that would not be the case on Finley Road.

Mr. Burows stated that he takes issue with the current stance that the Board has no jurisdiction with regards to a private road or private parking lot. He felt that the Board did have the responsibility in the conditions to be able to say that granting of this conditional use permit would not hinder or cause greater harm to the general welfare of the public. It has been noted that the road was narrow and does not have a stop sign and would that be a reason to deny this request, perhaps. He looked at the road and it would have to a minimum width for emergency vehicles. If the Board does not review those and address them then the Board could not address public safety as was a requirement for granting of a conditional use permit. If he could not grant it based off of that then he has an issue. It is up to the applicant to prove that all of the conditions would be satisfied. It was not up to the Board to second guess, it would be the applicant's responsibility to prove. He has no proof that there is a road maintenance agreement with the road being maintained and it is a safe access.

Mr. Chigbrow agreed with Mr. Burows, especially from Finley Road to the corner. He would like to see a copy of the road maintenance agreement. He also referenced 11 (which should be No. 16) on page 4 which states NOTE: "If the Board of Adjustment does approve this conditional use permit the following condition may be required: The applicants currently utilize 2058 Private Road for their residence and would be using the same PR for the operation of the business. The Board of Adjustment can only approve the Conditional Use Permit for the operation of the feed store not for the accessing onto the Private Road. The Board may condition the approval that the applicant obtain approval from all property owners who access onto 2058 PR granting permission for the applicant to operate a business onto 2058 PR." He felt that without those pieces it would be hard to approve anything on H – which states "The granting of the special use permit would not (would) 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.”

Mr. Page questioned who was allowed access onto the private road. He reference BOAR 1.4 - Short Plat 441, Lot 3 which outlines who would have access onto the private road. Parcels to the east are not granted access onto the private road. He continued to express concern with (1) being the condition of the road off of Finley Road, (2) questions if the road was 20 feet wide and maintained.

Mr. Burows expressed concern over the width of the road and again public safety.

Mr. Chigbrow again expressed concern over the following: (1) road maintenance agreement, (2) culvert that CID owns and the manhole and (3) the width of the actual road going down to the applicant’s residence. He would like to have these concerns addressed before he can move forward on this conditional use permit.

Mr. Burows asked the Planner if the County’s stance would pertain only to the Public Works comments with regards the paving of the approach and the Fire Marshal’s comments noted in BOAM 1.3. The Planner responded that to be correct. Mr. Burows continued to state that he would like to have this action continued for 30 days and request that the applicant provide the Board with the following (1) a copy of the road maintenance agreement, (2) determine the road width, (3) contact the Columbia Irrigation District regarding the abandoned manhole located on the street (4) contact the Benton County Public Works Department as to whether or not a stop sign would be required. If installation of a stop sign would not be required by the County, then this conditional use permit would be conditioned that a stop sign be installed including any additional safety requirements.

**MOTION:** Mr. Burows made a motion which was seconded by Mr. Chigbrow that conditional use permit CUP 12-05 be continued to the next Board of Adjustment hearing to be conducted on Thursday, October 4, 2012 – 7 p.m. – Planning Annex – 1002 Dudley Avenue – Prosser, WA with the following information to be provided by the applicant as requested by the Board - no new testimony allowed : (1) a copy of the road maintenance agreement, (2) determine the road width, (3) contact the Columbia Irrigation District regarding the abandoned manhole located on the street (4) contact the Benton County Public Works Department as to whether or not a stop sign would be required. If installation of a stop sign would not be required by the County, then this conditional use permit would be conditioned that a stop sign be installed including any additional safety requirements. Motion carried.

**RECORD OF THE VOTE:**

**FAVOR: BRENT CHIGBROW, DEAN BUROWS, AIMEE BERGESON AND BOB PAGE**  
**AGAINST NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

The Chairman opened the hearing. The Planner summarized said action and entered into the record Exhibit Numbers BOAM 1.1 to BOAM 1.8, and BOAR 1.1 to BOAR 1.6...

**CONDITIONAL USE PERMIT – CUP 12-03 – The applicants are requesting a conditional use permit for the operation of a commercial kennel for up to 24 dogs. The site is located at 87801 W Old Inland Empire Hwy in the Northwest Quarter of Section 27,**

**Township 9 North, Range 25 East, W.M. Applicants: Nolan/Kim Murray – 87801 W Old Inland Empire Hwy, Prosser, WA 99350**

**APPLICANT TESTIMONY:**

**NOLAN MURRAY – 87801 W OLD INLAND EMPIRE HWY – PROSSER, WA 99350** submitted in 11 pages of pictures showing his dogs, housing – BOAH 1.1 to BOAH 1.11 taken during the time period of May 15, 2012 to September 5, 2012. He continued to state that the 24 dogs are like his children, they are well cared for, have been on site for over 10 years, no complaints have ever been filed, his dogs do not bark, has a chain link fencing on his property for security, waste is disposed of in compliance with waste management regulations, wife vaccinates the dogs once a year, wormed twice a year, no health concerns and the dogs have never left his property. He stated that he lives by a dairy and the cows make more noise than his dogs. Many of his neighbors have dogs and they are the ones barking not his. He has constructed a shelter for the dogs that is insulated, beds and water. He was unaware that he was in violation of the Benton County Code with regards to the number of dogs allowed on site.

The Chairman asked about the number of dogs currently located on site. The applicant replied 24.

Mr. Burows ask the applicant if he had read and understood the conditions of approval affixed to this conditional use permit. The applicant replied that he had and understood all of the conditions.

Mr. Burows read Condition No. 6 “That the dogs be kept in a kennel that is indoors with insulated walls and ceiling and sheetrock interior and concrete flooring for sanitation to minimize noise and to keep proper ventilation, i.e. heated in the winter and air conditioned in the summer. The housing of dogs inside a residence is not permissible due to sanitary conditions. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 12-03 is in effect.”

Mr. Murray stated that he was utilizing an old milk barn for the housing of the dogs, not the bigger dogs but would now house them also inside the building. The building was equipped with heat, air conditioning, heat lamps and pens that would accommodate more than one dog in each pen. He disagreed with the term “commercial kennel” as these dogs were his children.

Mr. Burows informed the applicant that the keeping of more than three dogs constituted a kennel. If the Board approves the kennel for 24 dogs that would be the maximum allowed – not 26.

The applicant replied that he was a truck driver so 24 dogs were enough and he would not go over that limit if approved by the Board tonight.

Mr. Burrows asked if the dogs were neutered. The applicant replied they were not as it was too expensive.

Mr. Chigbrow asked about the behavior and control of so many dogs. The applicant replied that his dogs were not misfits and he did not allow his dogs to bark. The barking was coming from the neighbor’s dogs as he has checked on the barking noise and it was not his animals. In addition, his dogs were housed inside at night.

Mr. Chigbrow asked the applicant about the timeline with regards to bringing up the existing kennel to be in compliance with Condition No. 6. The applicant replied that he was in the middle of harvest currently and would not be able to start on the building until the middle or end of November.

The applicant also informed the Board that he would install site obscure vegetation and again stated that he would not have more than 24 dogs on site; but if one died he would probably replace the animal.

Mr. Burrows asked the applicant about the number of big dogs located on site. The applicant replied that he had seven and he had plenty of pens to house the dogs. Mr. Burows disagreed as each dog would require an individual pen.

**PROPONENT TESTIMONY:**

**WILFRED FINN – 87213 OIE – PROSSER, WA 99350** stated that he did not have any problems with the number of dogs located on site or with the request for a commercial kennel to be located on site.

**OPPONENT TESTIMONY: The following exhibits were submitted into the record:**

**BOAH 1.12 – Email from Kimberly Anderson – September 5, 2012 – 9:18 a.m.**

**BOAH 1.13 – Email from Kara French dated September 6, 2012**

The Planner submitted to the Board BOAH 1.14 and BOAH 1.15 – Code Enforcement pictures of large dogs.

The Chairman closed the public portion of the hearing had Board discussion and findings of fact were completed.

Mr. Burows stated that it was an excessive number of dogs. The existing building was close to the required size, but just mislaid out. He expressed concern over the applicants' ability to maintain a kennel facility due to the number of dogs. No more than 24 dogs will be allowed and if the applicant adds one more dog then the conditional use permit, if approved, will be revoked. The building will need to be brought up to code.

Mr. Chigbrow agreed that 24 dogs was an excessive amount. The Board could condition this application that if a dog dies it would not be replaced.

Mr. Burrows stated that the kennel would need to be insulated, ventilated, disposal site for waste and expressed concern over the kennel being too close to an existing residence located on site. Double fencing would need to be installed.

Mr. Chigbrow stated that the rules the Board has used in the past for a kennel facility would also need to be applied to this facility. The Board should condition this application that dogs would not be replaced upon the death of a dog. In addition, the dogs needed to be spayed.

Mr. Page asked the Planner with regards to specifics on kennel construction.

The Planner stated that the applicant did have a copy and it would be according to Washington State Code. The Planner also informed the Board that the Code Enforcement Officer would review this application on a yearly basis.

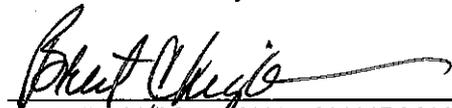
Mr. Chigbrow felt that the Board should add as a condition of approval that Code Enforcement does a yearly site visit on this kennel operation.

**MOTION:** It was moved by Dean Burows and seconded by Mr. Chigbrow that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Nolan/Kim Murray, Jr. CUP 12-03 should be approved with the conditions as outlined in the staff report dated August 24, 2012 with the following added conditions: Condition No. 11 – Kennel facility would be limited to 24 dogs only, Condition No. 12 – Construction of the kennel building must meet all the requirements according to the Washington State Code, Condition No. 13 – Conditional Use Permit – CUP 12-03 would be reviewed yearly by the Benton County Code Officer for compliance 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.

**RECORD OF THE VOTE:**

**FAVOR: BRENT CHIGBROW, DEAN BUROWS, AIMEE BERGESON AND BOB PAGE**  
**AGAINST NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

The Chairman adjourned the Board of Adjustment the Hearing at 9:28 p.m.



BRENT CHIGBROW - CHAIRMAN  
Benton County Board of Adjustment



Date Signed