

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: JULY 23, 2014
MEETING DATE: AUGUST 7, 2014
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
CLARK A. POSEY, SENIOR PLANNER 
RE: EXTENSION REQUEST
CONDITIONAL USE PERMIT – CUP 12-02

**APPLICANT/
PROPERTY OWNER:** KURK WATTS
10612 W. COURT STREET
PASCO, WA 99301

SPECIFIC REQUEST: Installation of a 5' x 21' x 18" electric sign for the newly constructed storage units at the location of 30405 N. Dallas Road.

BACKGROUND:

Site Location: The parcel is located at the Southeast corner of Dallas and Arena Roads at 30405 N. Dallas Road; on Lots 1 & 2 of Short Plat 1401 in the Northwest Quarter of Section 20, Township 9 North, Range 28 East W.M.

FINDINGS:

1. The Benton County Board of Adjustment on August 2, 2012 conducted a public hearing in which the applicant presented for a conditional use permit for the installation of a sign advertising his storage units that were approved by the Board of Adjustment under Special Use Permit 10-02.
2. The Board of Adjustment after hearing testimony presented both for and against this conditional use permit made a motion to approve said action along with conditions of approval imposed by the Board.
3. The applicant was informed via email on July 3, 2014 that his one year approval for satisfying the conditions of approval would expire on August 2, 2014. Condition No. 1 states: "If the conditions of approval have not been met and within one year the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting."

4. The applicant responded via email on July 8, 2014 to the Planning Department stating that he would like to request an extension for CUP 12-02. (Applicant's email is attached)

DECISION:

The Benton County Board of Adjustment will need to review the documentation presented by the applicant for an extension and make a motion whether to approve, deny or null and void this request at the August 7, 2014 hearing.

Attachment:

Email dated July 8, 2014

Carel Hiatt

From: kurk1@charter.net
Sent: Tuesday, July 08, 2014 8:42 PM
To: Carel Hiatt
Subject: RE: CUP 2012-002

Dear Benton County Board of Adjustment,

I would like to ask for an extension for the installation of my permanent sign. I have been dealing with business issues as well as working full time and raising a family. I presently have a small sign below my sign post and will be working on my larger sign as things slow down. I thank you for your patience and look forward to a long standing successful business relationship. Hope you all have a nice summer.

Sincerely,
Kurk Watts
Watts & Sons

On Thu, Jul 3, 2014 at 10:43 AM, Carel Hiatt wrote:

Kurk,

The Benton County Board of Adjustment approved the installation of your signage on August 2, 2012. I am sending you this notification to see if you have completed the conditions of approval pertaining to this action or if you need another extension. If you need an extension, please have the letter or email to me to forward to the Board of Adjustment by July 21, 2014.

Thank you.

Benton County Planning Department
Carel Hiatt, Office Manager
P O Box 910
Prosser, WA 99350
Tel: 509-786-5612 – Prosser
Tel: 736-3086 – Tri-Cities
Fax: 509-786-5629

RECEIVED

JUL 9 2014

Benton County
Planning Department

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: JULY 24, 2014

TO: BENTON COUNTY BOARD OF ADJUSTMENT

MEETING DATE: AUGUST 7, 2014

FROM: CLARK A. POSEY, SENIOR PLANNER 
BENTON COUNTY PLANNING DEPARTMENT

RE: EXTENSION REQUEST FOR CUP 2013-007 –
APPLICANT: CHRIS UPCHURCH

The Benton County Board of Adjustment on August 8, 2013 reviewed and approved Conditional Use Permit CUP 2013-007 for the operation of a private wine production operation with an office and living space for the owner's use while on site. The building for the winery would be over 3,000 square feet in size. The location is 32901 Vineyard View PR NE, Benton City in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 17, Township 9 North, Range 27 East, W.M. on Lot 4 of Short Plat 3662. The parcel number is 1-1797-401-2663-004 and is 18.42 acres in size.

The applicant submitted a letter dated July 18, 2014, to the Benton County Planning Department to be forwarded to the Benton County Board of Adjustment for review at the August 7, 2014 hearing, which is attached outlining progress to date and requesting an extension.

The Board will need to review the extension request letter and make a motion whether or not to approve or deny the applicants' request.

Enclosure:
Benton County Planning Department letter dated July 3, 2014
Applicant's letter dated July 21, 2014

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

July 3, 2014

Chris Upchurch
12022 NE 97th Street
Kirkland, WA 98033
Email: chrisup@comcast.net

DeLille Cellars
P O Box 2233
Woodinville, WA 98072

Dustin Gruetter
DC Building
16726 146th St. SE
Suite 105
Monroe, WA 98272
Email: bret@dcbuilding.com

RE: Conditional Use Permit – CUP 13-07

Dear Chris Upchurch/Dustin Gruetter/DeLille Cellars:

The Benton County Planning Department on August 8, 2014 reviewed and approved your conditional use permit application with conditions. The conditional use permit was for a private wine production operation with an office and living space for the owner's use while on site. The building for the winery would be over 3,000 square feet in size. The site location is 32901 Vineyard View PR NE, Benton City in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 17, Township 9 North, Range 27 East, W.M. on Lot 4 of Short Plat 3662. The parcel number is 1-1797-401-2663-004 and is 18.42 acres in size.

Listed below are the conditions of approval pertaining to this action:

1. The applicant shall not conduct any of the activities within the scope of Conditional Use Permit CUP 13-07 until the applicant is in compliance with all 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 conditional use permit until those conditions have been met. The conditional use 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 conditional use permit within one (1) year from the time the Board of Adjustment conditionally approved this 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 obtains the appropriate building permits. The applicant must submit written documentation that all the required permits and approvals have been obtained from the Benton County Building Office. The applicant shall meet this requirement for any additional buildings that may take place on site while Conditional Use Permit CUP 13-07 is in effect.
4. That the applicant complies with all requirements included in the Benton Franklin Health District letter dated July 22, 2013. The applicant shall continue to meet all such requirements while Conditional Use Permit 13-07 is
5. That the applicant provides on his building site plan the area where parking will be designated. If this action becomes a commercial operation with on-site customers and tasting room at least one parking stall must be constructed to meet current ADA (Americans with Disabilities Act) standards for parking. The applicant shall continue to meet all such parking requirements while Conditional Use Permit CUP 13-07 is in effect.
6. The Washington State Department of Transportation (WSDOT) provided that the existing approach to Vineyard View PR NE onto SR 224 is a Class 3 managed access facility with a posted speed limit of 55 miles per hour. Currently, access to the site is via a permitted approach at milepost 1.07(right). However, because the intended use is commercial in nature, the permit must be updated. The proponent must contact Mark Kaiser of the WSDOT South Central Region to upgrade this permit.
6. That no more than one (1) non-illuminating sign, with a maximum area of four (4) square feet each, shall be permitted in connection with the Conditional Use Permit. The applicant shall continue to meet all such requirements while Conditional Permit CUP 13-07 is in effect.
8. That not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business. The applicant shall continue to meet all such
9. 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.

10. That any waste created as a result of this Conditional Use Permit must be disposed of off-site in compliance with all local, state and/or federal regulations in a timely manner.

The Benton County Board of Adjustment will be reviewing this action under Consent Agenda on August 7, 2014.

If you are still pursuing this action, please submit one of the following:

(1) Extension letter outlining the conditions satisfied today with accompanying documentation, and reasons for requesting an extension to the Benton County Planning Department by July 21, 2014 to be forwarded to the Benton County Board of Adjustment.

(2) If you are no longer pursuing this proposal, please submit a letter stating that you desire to withdraw this action to the Benton County Planning Department by July 21, 2014 to be forwarded to the Benton County Board of Adjustment.

(3) If the Planning Department does not hear from you by July 21, 2014 then this action will be declared null and void at the August 7, Board of Adjustment Hearing.

If you have any questions with regards to this matter, please do not hesitate to contact the Benton County Planning Department.

Sincerely,



CLARK A. POSEY,
SENIOR PLANNER



600 University Street, Suite 3600
Seattle, Washington 98101
main 206.624.0900
fax 206.386.7500
www.stoel.com

July 18, 2014

ERIN L. ANDERSON
Direct (206) 386-7665
elanderson@stoel.com

**VIA U.S. FIRST-CLASS MAIL AND E-MAIL:
CLARK.POSEY@CO.BENTON.WA.US**

Benton County Planning Department
Benton County Board of Adjustment
Attn: Clark Posey, Senior Planner
PO Box 910
Prosser, WA 99350

Re: CUP 13-07, Upchurch Conditional Use Permit

Dear Board of Adjustment and Mr. Posey:

This firm represents Chris Upchurch, applicant for Conditional Use Permit 13-07. On his behalf, thank you for the July 3, 2014 notice of the CUP being up for review on the consent agenda of the Board of Adjustment's (Board) meeting on August 8, 2014.

As discussed with Mr. Posey on July 18, 2014, Mr. Upchurch is still pursuing CUP 13-07. Conditions 1 through 5, and second 6 through 10 have been satisfied. Discussion with the Washington Department of Transportation is being addressed presently. The applicant may also wish to seek minor revisions to the existing permit approval prior to final Board action.

To that end, I write in advance of the July 21, 2014 deadline in order to request an extension of up to 90 days to complete discussions with WSDOT and to examine the final scope of permit conditions further with the Benton County Planning Department, all with an eye to bringing the CUP forward to the Board of Adjustment for a final determination of fulfillment by year's end. If you have any questions about the foregoing, please feel free to contact me at the number listed above.

Best regards,

Erin L. Anderson

ELA:ea

cc: Chris Upchurch
Stephanie Meier, Esq.

RECEIVED

JUL 23 2014

Benton County
Planning Department

**EXHIBIT LIST FOR CUP 2014-003
APPLICANT: ADAM/MARIA MILANEZ**

The Exhibit Numbers are located in the top right hand corner of each document.

BOAM – Board of Adjustment Record Exhibits

BOAR – Board of Adjustment Memo Exhibits

BOAH 1 - Documents submitted during the hearing

BOARD OF ADJUSTMENT STAFF MEMO EXHIBIT LIST			
BOAM 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAM 1.1	Staff Memo	June 27, 2014
	BOAM 1.2	Notice of Open Record Hearing	June 19, 2014
	BOAM 1.3	Notice of Application	June 5, 2014
	BOAM 1.4	Determination of Nonsignificance	June 23, 2014
	BOAM 1.5	Benton County Code Enforcement	June 6, 2014
	BOAM 1.6	Benton County Sheriff	June 6, 2014
	BOAM 1.7	Washington State Dept. Transportation	June 9, 2014
	BOAM 1.8	Sunnyside Valley Irrigation District	June 12, 2014
	BOAM 1.9	Benton County Fire Marshal	June 18, 2014
	BOAM 1.10	Benton Franklin Health District	June 17, 2014
	BOAM 1.11	Department of Ecology	June 19, 2014
	BOAM 1.12	Benton County Public Works Dept.	June 20, 2014
	BOAM 1.13	Benton County Sheriff	June 24, 2014
	BOAM 1.14	Site Map	June 6, 2014
	BOAM 1.15	Aerial Map	June 1, 2014
	BOAM 1.16 to BOAM 1.19	Pictures of the site taken by Benton County Code Enforcement	May 29, 2014
BOARD OF ADJUSTMENT RECORD EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit Application	June 2, 2014
	BOAR 1.2	Environmental Checklist	May 29, 2014
	BOAR 1.3 to BOAR 1.6	Pictures of the site	June 2, 2014
	BOAR 1.7	Site Map submitted by applicant	June 2, 2014
	BOAR 1.8	Letter from Gary Heslop	June 5, 2014
BOARD OF ADJUSTMENT HEARING EXHIBIT LIST AUGUST 7, 2014			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAH 1.1	Laura Ripplinger letter	June 22, 2014
	BOAH 1.2	Jessica Gonzales letter	June 10, 2014
	BOAH 1.3	Jacqueline Herrera letter	June 4, 2014
	BOAH 1.4	Marcos Gonzalez letter	June 2, 2014
	BOAH 1.5	Marvin Studdard letter	June 3, 2014
	BOAH 1.6	Ben Hartman letter	June 3, 2014
	BOAH 1.7	Connie R. Lee letter	June 3, 2014

	BOAH 1.8	Don Miller letter	June 3, 2014
	BOAH 1.9	Donald Miller, Jr letter	June 3, 2014
	BOAH 1.10	Andres M. Sanchez letter	June 3, 2014
	BOAH 1.11	Emilio Alonso letter	June 3, 2014
	BOAH 1.12	Beverly Schab letter	June 3, 2014
	BOAH 1.13	Martin Villanueva letter	June 3, 2014
	BOAH 1.14	Bob L. Schlosser letter	June 3, 2014
	BOAH 1.15	Thomas Leighty letter	June 3, 2014
	BOAH 1.16	Ofelia Corona letter	June 3, 2014
	BOAH 1.17	Virginia Jacobo letter	June 3, 2014
	BOAH 1.18	Derek Dye letter	June 3, 2014
	BOAH 1.19	Bertin Quezada letter	June 3, 2014

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: JUNE 26, 2014 **BOAM 1.1**

MEETING DATE: JULY 10, 2014

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: CLARK A. POSEY, SENIOR PLANNER 
BENTON COUNTY PLANNING DEPARTMENT

RE: CONDITIONAL USE PERMIT – CUP 2014-003

APPLICANTS/
PROPERTY OWNERS: ADAM & MARIA MILANEZ
16302 N. BONE ROAD
PROSSER, WA 99350-9243

PARCEL NUMBER: 1-2994-200-0011-002

SPECIFIC REQUEST: 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.

ZONING & COMPREHENSIVE PLAN DESIGNATION: The subject and surrounding properties are designated as Rural Lands 5.

STATE ENVIRONMENTAL POLICY ACT: A Determination of Non-Significance was issued on June 23, 2014 relative to the facts submitted to the Planning Department on this action. The Environmental Assessment was processed under the requirements of the Washington State Environmental Policy Act. Environmental Impact Statement is not required.

PUBLIC NOTICE:

The application for CUP 2014-003/EA 2014-019 was submitted to the Benton County Planning Department on June 2, 2014. The application was declared complete for processing and routing for comments on June 4, 2014. The Notice of Application for Environmental Review was mailed out to property owners within 300 ft. of the subject property on June 6, 2014 and reviewing agencies.

The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 2014-003 was published on Wednesday, June 25, 2014 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 July 10, 2014.

APPLICABLE DEVELOPMENT REGULATIONS

BENTON COUNTY CODE SECTION 11.16A.050: USES REQUIRING A CONDITIONAL USE PERMIT.

The following uses may be permitted on a single parcel of record within the Rural Lands Five Acre District (RL-5) if the Benton County Board of Adjustment issues a CUP after a public hearing as provided in BCC 11.52.090:

BENTON COUNTY CODE SECTION 11.16A.050(o):

As a Conditional Use Permit in the Rural Lands 5 Zoning District a reception facility with a capacity not to exceed two hundred (200) attendees may be allowed.

BENTON COUNTY CODE SECTION 11.52.090(a):

Conditional Use/Special Permit General Standards. The conditional use 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 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.

BENTON COUNTY CODE SECTION 11.52.090(d):

Conditional Use/Special Permit Granted or Denied. The Benton County Board of Adjustment will consider the proposed Conditional Use Permit application at an open record hearing. A Conditional Use 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; and

(5) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicant zoning district as a result of 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.

If reasonable conditions cannot be imposed so as to allow the Board of Adjustment to make the conclusions required above, the conditional use permit application shall be denied.

BENTON COUNTY CODE SECTION 6A.15.040 PUBLIC NUISANCE NOISE-UNLAWFUL:

It is unlawful for any person to make, continue, or cause to be made or continued or to allow to originate from his or her personal or real property any public nuisance noise which:

(a) Is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred (200) feet of any dwelling; and,

(b) Either annoys, disturbs, injures or endangers the health, comfort, repose, peace or safety of others.

(c) Benton County Code Section 6A.15.050(p) provides that sounds created by un-amplified human voices from 6:00 a.m. to 10:00 p.m. are exempt from the provisions of Benton County Code 6A.15 and are not considered public nuisance noises.

AGENCY COMMENTS

a. Benton County Public Works Department: The proposed CUP is located on a County Road. Commercial access onto Bone Road must be constructed to have a paved apron constructed to BCC Standard Plan 96-05.

b. Benton Franklin Health District: See Exhibit No. BOAM 1.10

c. Department of Ecology: See Exhibit No. BOAM 1.11

d. Fire Marshal: See Exhibit No. BOAM 1.9

e. Building Department: The Building will require a Change of Use Permit for the

event center. In addition, any structures that have been constructed or are involved with the event center would require building permits.

f. Sunnyside Valley Irrigation District (SVID): See Exhibit No. BOAM 1.8

g. Benton Public Utility District (PUD): No comments.

h. Benton County Sheriff's Office: The Sheriff's Office had some concerns over a previous event that took place at the facility where a fight did break out and law enforcement had to be called. No other problems have been reported. See Exhibit Nos. BOAM 1.6 and BOAM 1.13

i. Benton County Code Enforcement: See Exhibit No. BOAM 1.5 and BOAM 1.16 to BOAM 1.19

j. Washington State Department of Transportation: No comments with regards to this proposal. Exhibit No. BOAM 1.7

PLANNING DEPARTMENT DISCUSSION

1. This application is for an Event Center for weddings, receptions, reunions, birthdays 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 on the property: (1) 800 sq. ft. kitchen, restroom and brides' room and (2) the other building is a 4,200 sq. ft. covered outside patio with an outdoor refreshment area and dance floor.

2. The applicants will have 100 on-site parking spaces in a gravel parking lot. The application provides that the maximum persons attending an event would be 200, which is consistent with the maximum allowed by BCC 11.160.050(0).

3. The applicant's property has a graveled parking area, with its own separate approach onto Bone Road.

4. Benton County Code Section 6A.15.050(p) provides that sounds created by normal un-amplified human voices from 6:00 a.m. to 10:00 p.m. are exempt from the provisions of Benton County Code 6A.15 and are not considered public nuisance noises.

5. The septic system was designed and installed as a single-family residential system: not for a commercial operation for up to 200 patrons. Additionally, the business must be served by an approved public water supply in accordance with WAC 246.291. The septic and drain field area must be improved to meet current health regulations.

6. In addition to considering the impacts of the proposed use, the Board must also consider any evidence presented regarding any similar impacts of uses allowed outright in this zone, and if such evidence is received, compare those impacts to those of the proposed use.

7. If negative impacts are identified, the Board must try to identify reasonable conditions that would mitigate those impacts sufficiently to allow the Board to make the findings necessary to grant the permit. The applicants may be asked to identify reasonable conditions, but the Board may independently identify conditions. Further, an applicants' disagreement with a particular condition should not dissuade the Board from granting the permit with such condition(s), as opposed to outright denial, if the Board is able to conclude that the condition(s) is/are reasonable in their judgment.

PLANNING STAFF FINDINGS OF FACT

The applicants have hosted a few functions prior to the application permitting process. The application was submitted in response to a Benton County Code Enforcement inquiry:

The following findings of fact are based on comments received up to the date of this staff memo dated June 26, 2014. Any comments received after the completion of this staff memo or submitted during the advertised public hearing of CUP 2014-003 will need to be considered by the Board of Adjustment and may be added to the findings as set forth below. The Board may decide to adopt these findings as their own or amend/add to these Findings of Fact to the proposed listed conditions after holding the open public hearing.

Based on the information received to date the Planning Staff makes the following findings:

1. The applicants/property owners are Adam & Maria Milanez.
2. The property is located at 16302 N. Bone Road. Prosser, WA 99350 in the South Half of the South Half of the Northeast Quarter and a portion of the East Half of the Northeast Quarter all in Section 29, Township 9 North, Range 24 East W.M.
3. Conditional Use Permit Application CUP 2014-003 is an application for an Event Center for meetings, weddings, reunions, and 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.
4. The proposed use for CUP 2014-003 is allowable by Conditional Use Permit as stated in BCC Section 11.16A.050(o) if approved by the Benton County Board of Adjustment.
5. The application for CUP 2014-003 was submitted to Benton County Planning Department on June 2, 2014. The application was declared complete for processing on June 4, 2014. The agency review letter was mailed out on June 6, 2014.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 13-02 was published on Wednesday, June 25, 2014 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel on June 23, 2014. The Open Record Hearing is scheduled for July 10, 2014.
7. The proposed use would add at least 200 trips per event on county maintained Bone Road.

8. The applicants have not submitted any evidence that the impacts of the event center would be greater than any outright permitted use in the Rural Lands 5 Zoning District.
9. The applicants are providing 100 on-site parking spaces in a graveled parking lot
10. Currently, the septic system on the property was designed and installed for a three bedroom home and not for a commercial event operation. An approved on-site septic system must be installed and approved by the Benton/Franklin County Health Department before operation of the event center.
11. The facility must be served by an approved public water supply in accordance with WAC 246.291, and the Washington State Department of Health.
12. The renting party would be responsible to obtain a banquet license or whatever license would be required from the State of Washington if alcohol is to be served at any event. (This is State law not an action enforced by the county).

CONDITIONS OF APPROVAL

If the Board of Adjustment decides to approve this Conditional Use Permit Application CUP 2014-003 based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department would recommend that the following conditions be reviewed and considered by the Board of Adjustment:

1. Applicants shall not conduct any of the activities within the scope of Conditional Permit CUP 2014-003 until the applicants are in compliance with all the Conditions set forth herein. The applicants shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the conditional use permit until those conditions have been met. The Conditional Use 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 conditional use permit within one (1) year from the time the Board of Adjustment conditionally approved the conditional use permit, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicants shall be notified in writing at the applicants' last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.
3. Per Benton County Code, Section 11.16.050(o). Use shall be limited to an event facility with a capacity not to exceed two hundred (200) attendees.
4. That the applicants provide written verification to the Benton County Planning Department that all requirements of the Benton Franklin Health District for the use of an on-site septic system has been approved prior to operation. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-003 is in effect.

5. The drain field and replacement areas must remain unencumbered and not used for parking or storing of any vehicles or equipment.
6. That the applicants provide written verification to the Benton County Planning Department that all requirements of the Washington State Department of Ecology for a Group B Public Water Supply System has been completed and approved. The applicants shall continue to meet all such requirements of the Department of Ecology while Conditional Use Permit CUP 2014-003 is in effect.
7. That the applicants provide written verification to the Benton County Planning Department that all building permits required of the Benton County Building Department have been obtained and any additional buildings are permitted and will meet current building code standards. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-003 is in effect.
8. Applicants are subject to Benton County Code Section 6A.15.050(p) provides that sounds created prior to 6:00 a.m. or after 10:00 p.m. are to be considered a public noise nuisance. Amplified music must be contained within an enclosed building. The applicants shall continue to meet such requirements while Conditional Use Permit CUP 2014-003 is in effect.
9. If food is to be prepared on site, the applicants must obtain a Food Service Sanitation Permit per Washington Administrative Code (WAC 256-215) issued by the Benton-Franklin Health District.
10. That the applicants are to provide a parking plan showing where the parking will take place. Parking is limited to 100 (one hundred) cars. No additional parking will be allowed along the public right-of-way. No parking shall be allowed on adjoining properties not under the ownership of the parent parcel. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-003 is in effect.
11. The applicants need to maintain an emergency response and designated fire lane open and unobstructed at all times during an event at the facility. This plan is to be coordinated and approved by the Benton County Fire Marshal, Benton County Fire District #3 and the Benton County Sheriff's Office. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-003 is in effect.
12. That the approval of this conditional use permit does not in any way give the applicant approval for on-site distribution or consumption of alcoholic beverages. The rules and regulations of the Washington State Liquor Control Board must be followed. Appropriate permits or licenses must be obtained for any alcohol consumption on the premises. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-003 is in effect.
13. Owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation.

14. That any waste created in association with the business as a result of this conditional use permit must be disposed of off-site in a timely manner and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 13-06 is in effect.

15. A parking attendant located at the entrance and exit of the event center and Bone Road will be required to facilitate the traffic entering and leaving the property in an orderly manner and the applicants shall provide to the Benton County Sheriff's Office a security/crowd control plan outlining how crowd control and security will be implemented during events. Suggested is to have at least one (1) security/crowd control person for every one-hundred (100) attendees. The applicants shall continue to meet this requirement while Conditional Use Permit CUP # 2014-003 is in effect.

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

NOTICE OF OPEN RECORD HEARING(S)

NOTICE IS HEREBY GIVEN that the following application(s) has been proposed to the Benton County Board of Adjustment, Benton County, Washington.

CONDITIONAL USE PERMIT – CUP 2014-003/EA 2014-019: 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 on the property: (1) 800 sq. ft. kitchen, restroom and brides' room and (2) the other building a 4,200 sq. ft. covered outside patio with an outdoor refreshment area and dance floor. The application was deemed complete for processing on June 4, 2014.

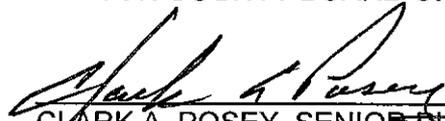
LOCATION: The property is at 16302 N. Bone Road - Prosser, WA 99350 in the East half of the Northeast quarter of the Southeast Quarter of the Northwest Quarter in Section 29, Township 9 North, Range 24 East W.M. Applicants: Adam/Maria Milanez

NOTICE IS GIVEN that said application(s) will be considered by the Board of Adjustment of Benton County, Washington at the public hearing(s) on Thursday, July 10, 2014 beginning at the hour of 7 p.m. in the Planning Annex – 1002 Dudley Avenue – Prosser, WA 99350. All concerned persons may appear and present any support for or objections to the application(s) or provide written testimony to the Board of Adjustment in care of the Planning Department on or before the date of the hearing(s). More information concerning these actions can be obtained by contacting Clark A. Posey, Senior Planner at the Benton County Planning Department, 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

It is Benton County's policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities or be subjected to discrimination. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please download and submit the Accommodation Request Form 48 hours prior to the date of the meeting. The form is located on the Benton County website which is www.co.benton.wa.us under the Personnel Department or contact the Benton County Planning Department at the numbers noted above for assistance. **NOTE: ANY INFORMATION SUBMITTED TO BENTON COUNTY IS SUBJECT TO THE PUBLIC RECORDS DISCLOSURE LAW FOR THE STATE OF WASHINGTON (RCW CHAPTER 42.17) AND ALL OTHER APPLICABLE LAW THAT MAY REQUIRE THE RELEASE OF THE DOCUMENTS TO THE PUBLIC.** It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department the afternoon of the hearing by 4 p.m. to confirm that the hearing will be conducted as scheduled.

Dated this 19th day of June, 2014.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT



CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Wednesday, June 25, 2014

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

BOAM 1.3

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that there has been proposed to the Benton County Planning Department the following application:

EA 2014-019/CUP 2014-003 - The applicants are requesting a conditional use permit for the operation of an event center. The application was deemed complete for processing June 4, 2014. The site is located at 16302 North Bone Road – Prosser WA 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.

NOTICE IS GIVEN that said proposal has been reviewed under the requirements of the State Environmental Policy Act. The Benton County Planning Department expects to issue a Determination of Non-Significance (DNS) with respect to this proposal and its environmental impacts utilizing the optional DNS process set forth in WAC 197-11-355. A copy of the subsequent threshold determination for this proposal may be obtained from the Benton County Planning Department.

NOTICE IS GIVEN that all concerned persons will have fourteen (14) days from the date of publication of this notice to comment in writing on these actions. This comment period may be the only opportunity to comment on the environmental impacts of this proposal. Comments should be submitted to the Benton County Planning Department, P.O. Box 910, Prosser, WA 99350 or by email to planning.department@co.benton.wa.us. Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

Contact Clark Posey – Senior Planner at the Benton County Planning Dept. P.O. Box 910, Prosser, WA, or by calling Prosser - 786-5612 or Tri-Cities - 736-3086, to obtain more information concerning these actions.

Dated at Prosser, Washington on this 5th day of June, 2014.



CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH ON MONDAY, JUNE 9, 2014

DETERMINATION OF NONSIGNIFICANCE

BOAM 1.4

Description of proposal: 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 on the property: (1) 800 sq. ft. kitchen, restroom and brides' room and (2) the other building a 4,200 sq. ft. covered outside patio with an outdoor refreshment area and dance floor.

Proponent Adam/Maria Milanez
16302 N Bone Road
Prosser, WA 99350

File No. EA 2014-019

Location of proposal: 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.

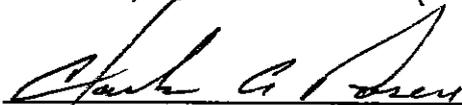
Lead agency BENTON COUNTY

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

THERE IS NO COMMENT PERIOD FOR THIS DNS DETERMINATION

Responsible Official MICHAEL E. SHUTTLEWORTH, PLANNING MANAGER
Benton County Planning Dept.
Post Office Box 910 PHONE: (509) 786-5612
Prosser, WA 99350-0910 (509) 736-3086

Date June 23, 2014


CLARK A. POSEY, SENIOR PLANNER

There is no agency appeal.

DISTRIBUTION:

- Benton County Building Office/Benton County Code Enforcement
- Department of Natural Resources
- Benton Clean Air Authority
- Benton County Engineer
- Benton-Franklin Dist. Health Department
- Department of Transportation
- Washington State Department of Health
- Department of Ecology - Olympia Yakima
- Fire District No. 3
- Benton County Fire Marshal
- Dept. of Fish and Wildlife
- Dept. of Reclamation
- Dept. of Archeological/Historic Preservation
- Bureau of Land Management
- Futurewise
- Natural Resources Conservation District
- Dept. of Agriculture
- Corps of Engineers
- SVID

Carel Hiatt

From: Dale Wilson
Sent: Friday, June 06, 2014 3:30 PM
To: Planning Department
Subject: RE: Conditional Use Permit - CUP 2014-003 Utility Review

Part of the conditions for approval need to include that the property owners seek the required Building Department permits for the change in use since the garage is being utilized as restrooms, kitchen, and bride’s room. The other structure used for the dance/band area might also require a change in use permit as it is no longer being used as a storage garage as originally permitted.

Once all the permits are obtained and required inspections are authorized the code enforcement case would be closed.

Dale Wilson
Benton County
Code Enforcement Officer
(509)222-2301
dale.wilson@co.benton.wa.us

From: Planning Department
Sent: Friday, June 06, 2014 3:26 PM
To: Jeff Liner; Dale Wilson; Carlos Trevino; Steven Keane; Clay Vannoy; Benton-Franklin Dist. Health Dept.; Fire District No. 3 ; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Washington State Dept. of Health ; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Sunnyside Valley Irrigation District; Sunnyside Valley Irrigation District
Subject: Conditional Use Permit - CUP 2014-003 Utility Review

Please review the attached documentation and submit any comments within a seven day period. If additional time is needed or there are questions with regards to this application, please contact the Benton County Planning Department. The pictures submitted by the applicant are a bit dark, so if you need a hard copy of these documents, please let the Planning Department know, thank you.

Thank you

Benton County Planning Department
P O Box 910
Prosser, WA 99350
Tel: 509-786-5612 – Prosser
Tel: 736-3086 – Tri-Cities
Fax: 509-786-5629

RECEIVED

JUN - 6 2014

Benton County
Planning Department

Carel Hiatt

From: Carlos Trevino
Sent: Friday, June 06, 2014 4:10 PM
To: Planning Department; Jeff Liner; Dale Wilson; Steven Keane; Clay Vannoy; Benton-Franklin Dist. Health Dept.; Fire District No. 3 ; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Washington State Dept. of Health ; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Sunnyside Valley Irrigation District; Sunnyside Valley Irrigation District
Subject: RE: Conditional Use Permit - CUP 2014-003 Utility Review

My only concern is related to the disturbance that occurred a couple of weekends ago that I have already documented and sent to Clark Posey. The venue was way over capacity (several hundred people) and a large fight broke out in the parking lot. There was only two security guards that could not control the situation. We required assistance from other law enforcement agencies to bring the situation under control.

I have concerns that similar problems will continue if the capacity is not controlled and there is insufficient security present. I am not opposed to the issuance of the permit, but I think the owner should be aware of our concern and that future similar problems will be reported to the Planning Department.

From: Planning Department
Sent: Friday, June 06, 2014 15:26
To: Jeff Liner; Dale Wilson; Carlos Trevino; Steven Keane; Clay Vannoy; Benton-Franklin Dist. Health Dept.; Fire District No. 3 ; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Washington State Dept. of Health ; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Sunnyside Valley Irrigation District; Sunnyside Valley Irrigation District
Subject: Conditional Use Permit - CUP 2014-003 Utility Review

Please review the attached documentation and submit any comments within a seven day period. If additional time is needed or there are questions with regards to this application, please contact the Benton County Planning Department. The pictures submitted by the applicant are a bit dark, so if you need a hard copy of these documents, please let the Planning Department know, thank you.

Thank you

Benton County Planning Department
P O Box 910
Prosser, WA 99350
Tel: 509-786-5612 – Prosser
Tel: 736-3086 – Tri-Cities
Fax: 509-786-5629

RECEIVED

JUN - 6 2014

Benton County
Planning Department

✓
Clark Posey

From: Holmstrom, Rick <HolmstR@wsdot.wa.gov>
Sent: Monday, June 09, 2014 8:50 AM
To: Clark Posey
Cc: Gonseth, Paul
Subject: Milanez
Attachments: Notice of Application for EA 2014-019 - Adam/Maria Milanez

Clark-WSDOT has not comments or concerns for this proposal.

rick

RECEIVED

JUN - 9 2014

Isakon County
Planning Department

June 12, 2014

Clark A. Posey, Senior Planner
Benton County Planning/Building Department
Planning Annex
P.O. Box 910
Prosser, WA 99350

Re: File No. **EA 2014-019 / CUP 2014-003**
Parcel: **1-2994-200-0011-002**
Landowners: **Adam Milanez and Maria Milanez**

Dear Mr. Erickson:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID does have a facility, 50.35AA, within the parcel for development. This facility runs along the eastern boundary of the above referenced parcel. As long as the proposed development is not within the eastern 35 feet of the parcel, it will not affect our facility. Please contact the District for specific details and location of our facilities if any development work is to be within the eastern 35 feet of the parcel.
2. Runoff and/or crossings into or across any SVID facility will not be allowed unless it is approved through the permitting process.
3. Buildings, permanent structures, or trees will not be allowed within SVID easements or right-of-way.
4. Obstructions, shrubbery, and landscaping will not be allowed within SVID easements or right-of-way without permits.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Tinker Kouyian at (509) 837-6980 or Kouyiant@SVID.org.

Sincerely,



Ron C. Cowin, P.E.
Assistant Manager – Engineering

RECEIVED

JUN 16 2014

Benton County
Planning Department

Benton County Fire Marshal's Comments
Planning Department's Referral Forms

BOAM 1.9

TO: Clark Posey

EA 14-19 & CUP 14-03

Date Received 6-6-14

Date Returned 6-18-14

Applicant's Comments: Adan Milanez, 16302 N. Bone Rd., Prosser 99350 proposes to operate an outdoor event center called Wine Country Gardens at their home. Activities will be held under a covered patio.

Fire Marshal's Comments: None at this time.

Should the Milanezs decide to enclose the patio a building permit will be required, and the building will be required to meet the adopted Building and Fire Codes at that time. This may very well require the installation of a fire sprinkler system.

Requirements: None at this time.

RECEIVED

JUN 18 2014

Benton County
Planning Department

Clark Posey

From: Shawn Brown <shawnb@bfhd.wa.gov>
Sent: Tuesday, June 17, 2014 5:23 PM
To: Clark Posey
Cc: Carel Hiatt
Subject: CUP 2014-003 Milanez

RECEIVED

JUN 18 2014

**Benton County
Planning Department**

Dear Mr. Posey:

This office has reviewed our database and determined that this property was approved for a single family residence containing a maximum of three bedrooms. The home is served by an alternative-type septic system, a Mound system, and is also served by a single family well. Prior to this office granting approval for the utilization of a wedding facility the following requirements must be met:

1. The well serving this property must be approved as a public water supply. Because of the increased setback requirements to a public water supply, any septic system components currently within the wells 100' radius must be moved so that it is at least 100' away from the well.
2. The proposed wedding facility must be served by an on-site septic system that has been permitted, inspected and approved by this office. Due to the temporary, part-time nature of a wedding facility it has been determined that a holding tank may be used to service the facility.
3. The applicant will need to contact this office to determine whether their proposal will require the issuance of a food permit. If it is determined that this will be a requirement, then the applicant must apply for and be granted a food permit for the proposed wedding facility prior to the issuance of a septic system permit.

Please contact me with any questions, thank you.

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

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



BOAM 1.11

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

June 19, 2014

Clark Posey
Benton County Planning
P.O. Box 910
Prosser, WA 99350

Re: EA 2014-019

Dear Mr. Posey:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the operation of an event center, proposed by Adam and Maria Milanez. We have reviewed the documents and have the following comments.

WASTE 2 RESOURCES

The applicant should consider designing and constructing the facility so opportunities to recycle are at least as convenient as waste disposal. Space should be provided inside and outside the facility to accommodate equipment and containers for processing and storage of recyclables. Materials such as paper, glass, aluminum and other metals, corrugated containers, and plastics should be recycled. For more information contact Trent Hurlbut at (509) 575-2782 or thur461@ecy.wa.gov.

Sincerely,

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

RECEIVED

JUN 23 2014

Benton County
Planning Department

3151



Clark Posey

From: Jeff Liner
Sent: Friday, June 20, 2014 1:53 PM
To: Planning Department
Subject: RE: Notice of Application for EA 2014-019 - Adam/Maria Milanez

My one comment is that they need to pave the approach in accordance with Standard Detail 96-05 Multi-Use Approach

Thanks,
Jeff Liner
Engineer II
Benton County Public Works
509-786-5611 Local
509-736-3084 Tri Cities

RECEIVED

JUN 19 2014

**Benton County
Planning Department**

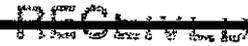
From: Planning Department
Sent: Friday, June 06, 2014 1:23 PM
To: Dale Wilson; Dept. of Natural Resources ; Dept. of Natural Resources; Dept. of Natural Resources; Dept. of Natural Resources; Jeff Liner; Benton-Franklin Dist. Health Dept.; Dept. of Transportation, TDM Coordinator Planning Supervisor; Dept. of Transportation Paul Gonseth; gcle461@ecy.wa.gov; Department of Ecology; Department of Ecology - SEPA Unit; Fire District No. 3 ; Department of Fish/Wildlife Hayes; Dept. of Fish and Wildlife, Eric Bartrand; Bureau of Land Management; Dept Historic/Archeology; Department of Agriculture; Natural Resources Conservation Service; Carlos Trevino; Clay Vannoy; Steven Keane; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Department of Natural Resources; Dept. Natural Resources; Dept. of Natural Resources; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Washington State Dept. of Health ; Dept. of Ecology, Donna Bunten; Shannon Wilson; US Corps of Engineers (cenww-re@usace.army.mil); US Corps of Engineers (tim.r.erkel@usace.army.mil); BUREAU, RECLAMATION; cgarner@usbr.gov; chelberg@usbr.gov; tmccoy@usbr.gov; Dept. of Archeological/Historic Preservation; Futurewise; Futurewise ; Futurewise
Subject: Notice of Application for EA 2014-019 - Adam/Maria Milanez

Attached to this email is a copy of the Environmental Checklist and reviewing maps/pictures of the site. Please review this document and submit any comments within the 14 day comment period. This Notice of Application will be published in the Tri-City Herald on Monday, June 6, 2014. If you have questions with regards to these documents, please contact Clark A. Posey, Senior Planner at clark.posey@co.benton.wa.us or by phone at 509-786-5612.

Thank you.

Benton County Planning Department
P O Box 910
Prosser, WA 99350
Tel: 509-786-5612 – Prosser
Tel: 736-3086 – Tri-Cities
Fax: 509-786-5629

Clark Posey



From: Carlos Trevino
Sent: Tuesday, June 24, 2014 2:56 PM
To: Clark Posey
Subject: RE: 16302 N Bone Rd- Prosser

JUN 24 2014

Benton County
Planning Department

The patrol deputies the night of June 14th reported that there were no problems. The only incident is the one that I have already sent to you regarding the fight in the parking lot.

From: Clark Posey
Sent: Tuesday, June 24, 2014 14:54
To: Carlos Trevino
Subject: RE: 16302 N Bone Rd- Prosser

Sgt. Carlos Trevino,

I'm in the middle of typing a Staff Report for the application of the Event Center at 16302 N Bone Rd .(Milanez) I was curious if there were any problems on the 14th of June (wedding) or anything else that may have gone on in the past.

Zoning does allow an activity like this in this zone Rural Lands 5 as long as all the conditions placed by the BC Board of Adjustment are met.
We will limit the patrons to 200.

Benton County does not have Business Licenses, Businesses are by Conditional Use.

I would appreciate any other input or comments you may have.

Thank you,

Clark

From: Carlos Trevino
Sent: Tuesday, May 27, 2014 3:37 PM
To: Clark Posey
Subject: 16302 N Bone Rd- Prosser

Hi Clark,

Reference our earlier conversation, we responded to a large fight this past Saturday night at 16302 N Bone Rd. This location is a new event center to rent for receptions, parties, etc. This evening there were several hundred people in attendance. There were two private security guards present. After the scene was under control, I spoke to Adan Castillo Milanez, 09-16-74, 832-1969.

Milanez told me that he is the owner of the property and that he had recently built and opened the location for host events through private parties. He told me that this night he rented out the center for a reception. I asked him if he had a business license and he said that his wife called to find out about one, but it sounded like they told her they did not

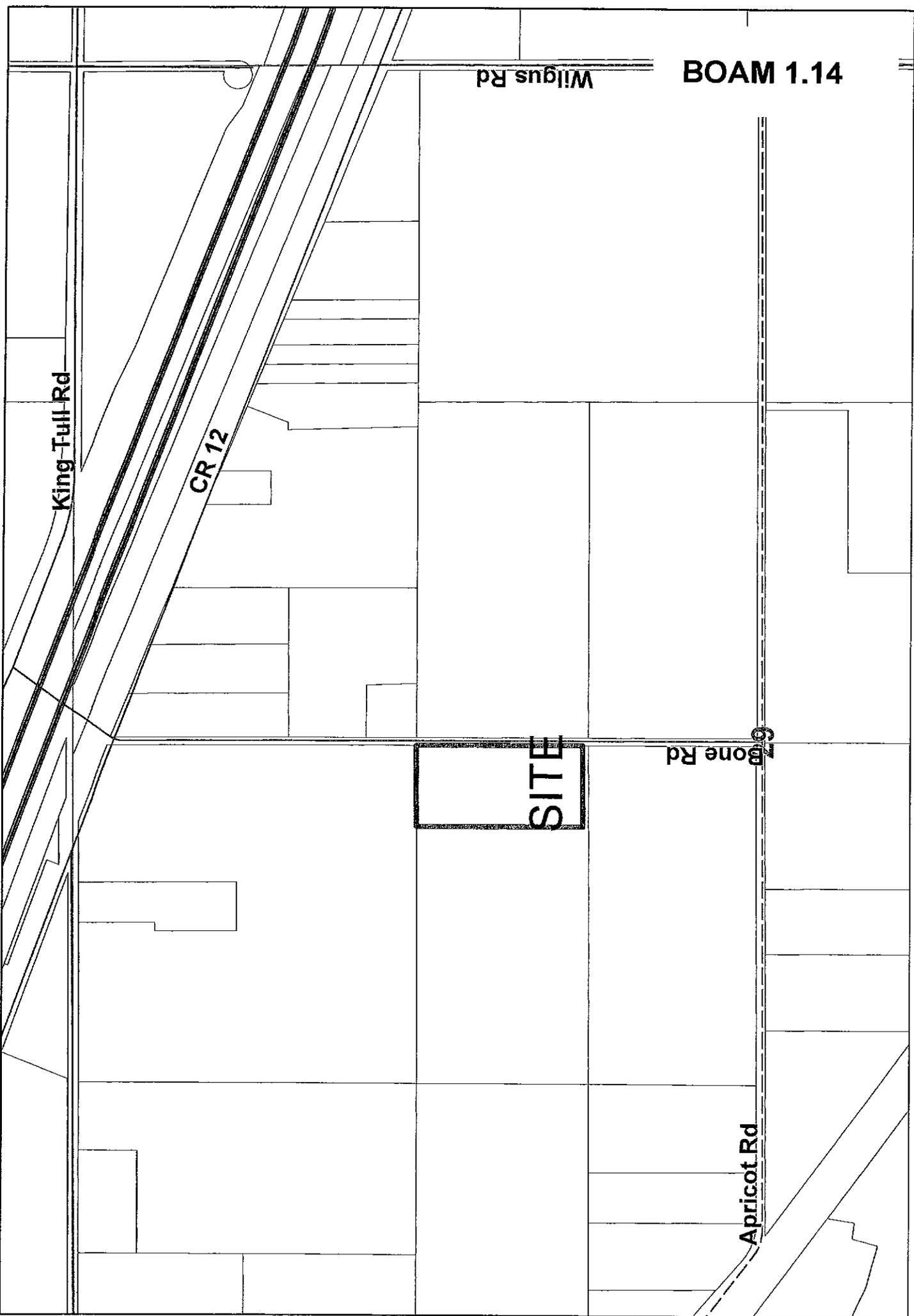
need one. I asked him if the renter had a banquet permit from the liquor control board (alcohol was present). He said that he did not know.

This evening there were several hundred people in attendance with only two private security guards who were unable to control the melee in the parking lot. One individual suffered several head injuries as a result of the fight.

We will advise if we continue to have problems at the venue for the board's review.

Sgt. Carlos Trevino
Benton County Sheriff's Office
Gang Enforcement Team (GET)
7122 W Okanogan Place, Bldg #B
Kennewick, WA 99336
(509) 735-6555 ext 3839
(509) 727-8788- Cellular







BENTON COUNTY
PLANNING
DEPARTMENT

SECTION 29, TOWNSHIP 9 NORTH, RANGE 24 EAST, W.M.
CONDITIONAL USE PERMIT CUP# 2014-04
ADAM & MANA MILANEZ 1-2994-200-0011-002
MAP PRINTED: JUNE 1, 2014

Benton County does not warrant, guarantee, or
accept liability for accuracy of the information shown
herein. This information is a product of the Benton County
Geographic Information Systems and is prepared
for presentation purposes only.

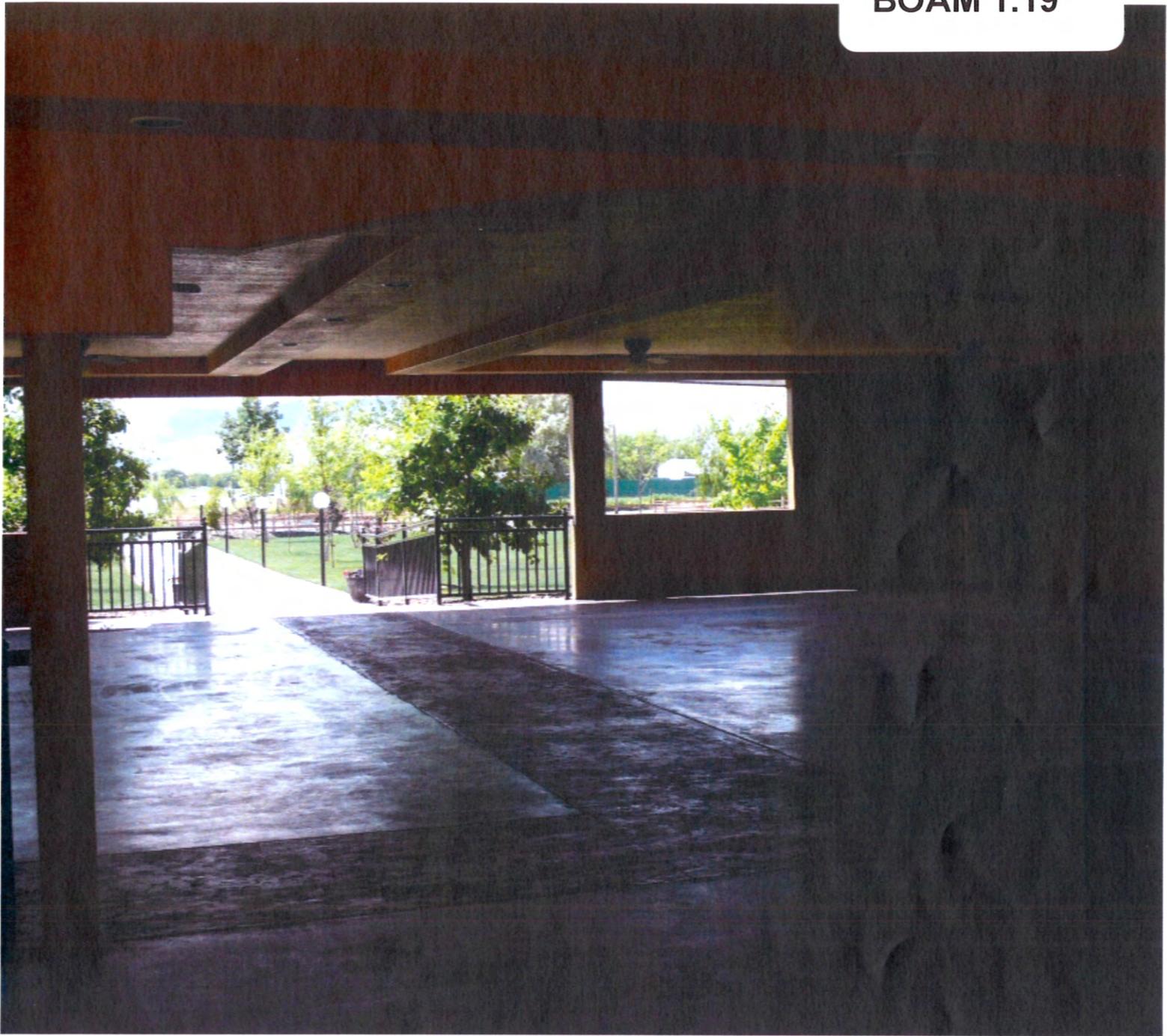


BOAM 1.15





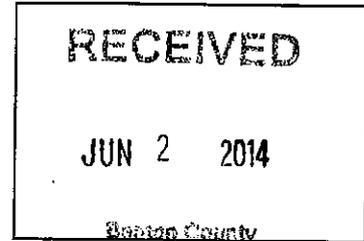




BOAR 1.1

BENTON COUNTY PLANNING DEPARTMENT CONDITIONAL USE/SPECIAL PERMIT APPLICATION

FILE NO. CEP 2014-009
EA 2014-009 019



- Applicant Name Adam Milanez
Applicant Address: 16302 Nth Bone Rd. Prosser wa. 99350
Telephone number: Home (509) 832-1969 Work Same
- Legal owners name: Adam Milanez
Legal Owners address: 16302 Nth Bone Rd. Prosser wa. 99350
Telephone number: Home (509) 832-1969 Work Same
- Parcel Number or Legal description of property for which permit is for: 129942000011002 (SEE ATTACHED ASSESSOR SHEET)
- If you are amending a previous conditional use/special use permit - please list the file number(s): N/A
- The Conditional Use/Special Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.**
QUINCINERAS And Wedding Receptions
- The property will be served by:
WATER: Well Private System _____ City System _____
SEWER: Septic Tank City Sewer _____
POWER: PUD REA _____
PHONE: Yes _____ No Name of Utility N/A
GAS: Yes _____ No Name of Utility N/A
CABLE: Yes _____ No Name of Utility N/A
IRRIGATION: Yes No _____ Name of Utility SunnySide Irrigation
PRIVATE IRR. Yes _____ No
- Total acres of property: 4.77 Zoning Classification of Property: RURAL Residential
Comprehensive Plan Designation Rural Lands 5
- Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: 4200 sq Ft Steel Built building located south of the residence.
- Describe existing structures and present land uses in the surrounding area of your property:
Agricultural use (Concord Grapes) / Rural Residential

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

- a. Is there a residence on site? Yes X No _____
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes X No _____
- c. Does at least one of the proprietors live in said residence? Yes X No. _____
- d. List the number of non-resident employees. None
- e. What is the **total** square footage of the detached building to be used for the business? 4200 sq ft
- f. What is the **total** square footage that will be used for the business activity?
4200 sq ft.
- g. Is only one detached building to be used for the business activity? Yes _____
No X - 2 Buildings
- h. Are any signs going to be used with the business activity? Yes _____ No X
If Yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. _____
- i. State the number of vehicles marked to identify the business to be stored on site.
None
- j. List the number of off street parking spots 100 with open areas
- k. What County Road does the site access off of? Bone Rd.
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week N/A
Hours of Operation N/A - CONTACT VIA Cell phone

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

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

Signature Block for individuals only.

Adam Maty
Applicant's Signature

Adam Milanez
Print Name

5-20-14
Date

Adam Milanez
Signature of Legal Owners

Adam Milanez
Print Name

5-30-14
Date

Manannal Milanez
Signature of Person with additional ownership interest

Mania Milanez
Print Name

5-30-2014
Date

If the applicant is a corporation/partnership/LLC etc. please use the following signature block.

Applicant: N.A.

By: _____
(print name) (Title)

Signature: _____
(Signature) (Title)

The above signed officer of _____ warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit _____ (name of entity) to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

Note: The Conditional Use/Special Permit Application fee of \$250.00 and the \$100.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

5/23/11

FOR OFFICIAL USE ONLY:

Critical Area Review Completed by Chuck A. Passey on 6-4-2014

Application approved for processing by Chuck A. Passey on 6-4-2014

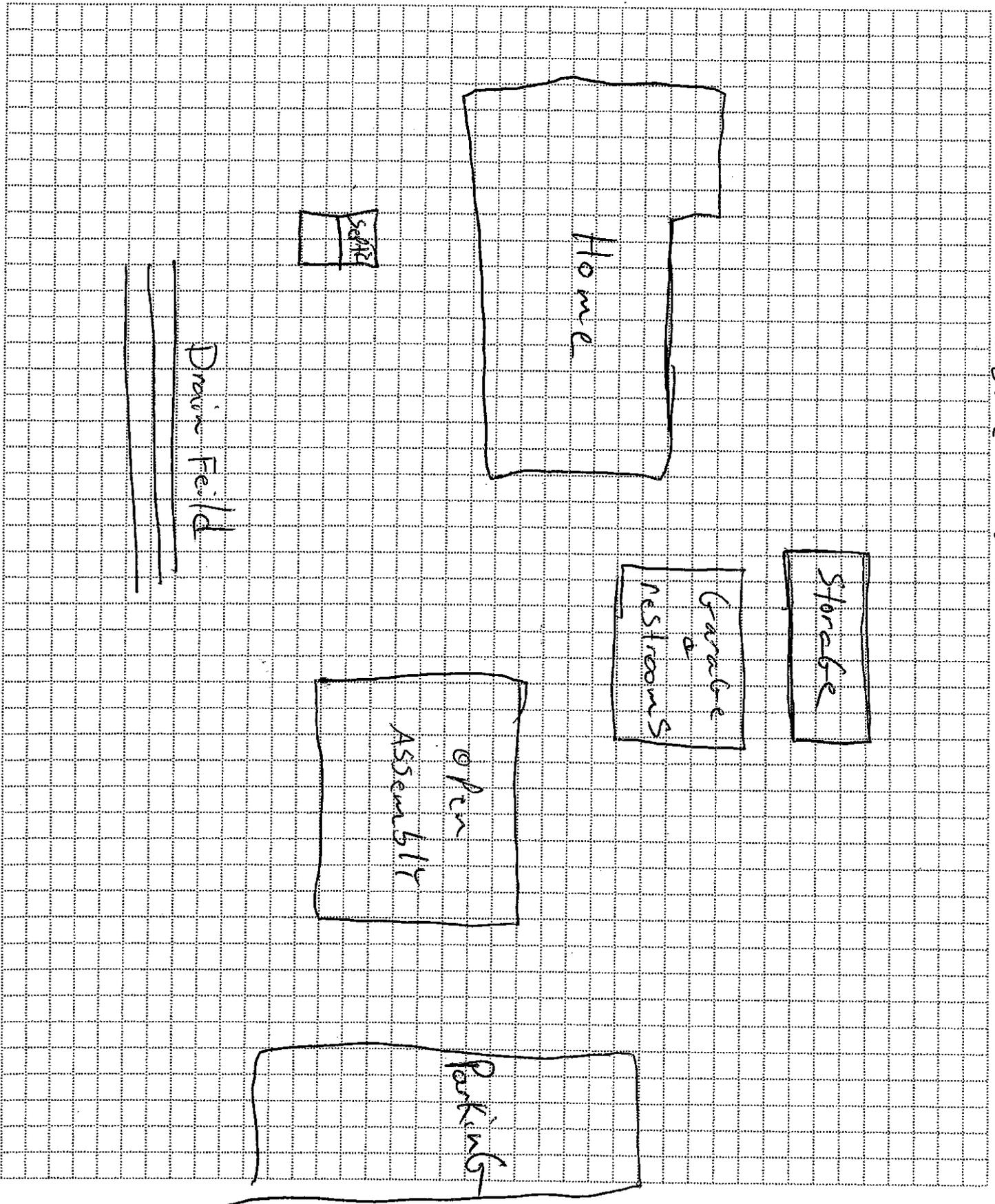
Zoning R2.5 Comp Plan Designation _____

SITE PLAN FOR _____

Scale 1" = 50' or 1" = 100'

Please specify

PLEASE INDICATE NORTH



Bone Rd.

EA 2014-009

A. background

1. Name of proposed project, if applicable: Adan Milanez D.B.A. wine country gardens

2. Name of applicant: Adan Milanez

3. Address and phone number of applicant and contact person:
16302 10 Bone Rd
Prosser, WA 99350

RECEIVED

JUN 2 2014

Benton County
Planning Department

4. Date checklist prepared: 5-30-2014

5. Agency requesting checklist:
Benton County Planning

6. Proposed timing or schedule (including phasing, if applicable):
It's complete and ready to open with right permits

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

NO

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

N/A

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

N/A

10. List any government approvals or permits that will be needed for your proposal, if known.

Wa. County Permits

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

116302 N6 Bone Road

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site
(circle one) Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?
N/A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
N/A

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
N/A

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

N/A

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

contact with BEC HD already.
Yes, well water will be used for drinking & other purposes, bathroom usage, cleaning. 100 gallons per event one event per weekend during summer seasonal months. all water will go to holding tank. - well is ran with submersible 1 horse power pump

2) Describe waste material that will be discharged into the ground from septic tanks or other well sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
leaves old

1500.00 Gallon Holding tank for septic system
it will service only bathrooms + kitchen for one
structure

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

NO foreseen storm water runoff problems - if
any excess water from weather it would not flow on
to other waters so ALL storm water will be retained
on site

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

NO

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

NO

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Vegetation + gravel in all areas of property.

4. Plants

- a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops.
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

N/A

c. List threatened and endangered species known to be on or near the site.

N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A

e. List all noxious weeds and invasive species known to be on or near the site.

N/A

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other: _____
mammals: deer, bear, elk, beaver, other: _____
fish: bass, salmon, trout, herring, shellfish, other: N/A

b. List any threatened and endangered species known to be on or near the site.

N/A

c. Is the site part of a migration route? If so, explain.

N/A

d. Proposed measures to preserve or enhance wildlife, if any:

N/A

e. List any invasive animal species known to be on or near the site.

N/A

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

electric - lighting

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

NO

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

NONE

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

N/A

- 1) Describe any known or possible contamination at the site from present or past uses.

N/A

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

NONE

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

- 4) Describe special emergency services that might be required.

N/A

5) Proposed measures to reduce or control environmental health hazards, if any:

NONE

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

NONE

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

music from 12:00 am to 10:00 pm Short term

3) Proposed measures to reduce or control noise impacts, if any:

spoken to neighbors + ok'd it with them.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Homes + Farms adjacent to proposed site
proposed site is already established as a family gathering site.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

NO

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

NO

c. Describe any structures on the site.

open air patio (covered) Bathroom + kitchen facilities

d. Will any structures be demolished? If so, what?

NO

e. What is the current zoning classification of the site?

residential

f. What is the current comprehensive plan designation of the site?

~~wedding venue~~ RURAL LANDS 5

g. If applicable, what is the current shoreline master program designation of the site?

NONE

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

NO

i. Approximately how many people would reside or work in the completed project?

RESIDENCE ON SITE FOR OWNERS
NO ONE would reside in the completed project. 2 to 4
people working during an event.

j. Approximately how many people would the completed project displace?

NONE

k. Proposed measures to avoid or reduce displacement impacts, if any:

NONE

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

consulting Burton County Planning Department

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Have discussed all measures needed to comply with
farmer who owns adjacent grapes.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

NONE

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

NONE

- c. Proposed measures to reduce or control housing impacts, if any:

NONE

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

18 feet - wood

- b. What views in the immediate vicinity would be altered or obstructed?

NONE

- c. Proposed measures to reduce or control aesthetic impacts, if any:

NONE

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

LED - no glare produced - evening / night

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

NO

c. What existing off-site sources of light or glare may affect your proposal?

NONE

d. Proposed measures to reduce or control light and glare impacts, if any:

NONE

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

NONE

b. Would the proposed project displace any existing recreational uses? If so, describe.

NONE

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

NONE

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

NONE

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

NONE

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

NONE

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

NONE

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

access will be from an existing entrance + exit off of Bone Rd.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

NO

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

parking for 100 cars is existing

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

NO

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NO

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

passenger vehicles Saturday and Sunday 1 in the afternoon until ~~midnight~~ 10:00 P.M.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

NO

h. Proposed measures to reduce or control transportation impacts, if any:

NONE

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

NO

b. Proposed measures to reduce or control direct impacts on public services, if any.

NONE - Security will be on premises during all events.

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

utility needed are already in place

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Adam Milanez

Name of signee Adam Milanez

Position and Agency/Organization OWNER

Date Submitted: 5-29-14

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness,

wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

ESA LISTED SALMONIDS CHECKLIST

The Listed Salmonids Checklist is provided in order that the county may initially identify a project's potential impacts (if any) on salmonids that have been listed as "threatened" or "endangered" under the Federal Endangered Species Act (ESA). A salmonid is any fish species that spends part of its life cycle in the ocean and returns to fresh water. Potential project impacts that may result in a "taking" of listed salmonids must be avoided, or mitigated to insignificant levels. Generally, under ESA, a "taking" is broadly defined as any action that causes the death of, or harm to, the listed species. Such actions include those that affect the environmental in ways that interfere with or reduce the level of reproduction of the species.

If ESA listed species are present or ever were present in the watershed where your project will be located, your project has the potential for affecting them, and you need to comply with the ESA. The questions in this section will help determine if the ESA listing will impact your project. The Fish Program Manager at the appropriate Department of Fish and Wildlife (DFW) regional office can provide information for the following two questions. Please contact the Dept. of Fish and Wildlife at 1701 S. 24th, Yakima WA 98902-5720, Phone No. 509-575-2740.

1. Are ~~ESA~~ listed salmonids currently present in the watershed in which your project will be?
YES ___ NO ✓
Please Describe.

2. Has there ever been an ESA listed salmonid stock present in this watershed?
YES ___ NO ___
Please Describe.

If you answered "yes" to either of the above questions, you should complete the remainder of this checklist.

PROJECT SPECIFIC: The questions in this section are specific to the project and vicinity.

A1. Name of watershed _____

A2. Name of nearest waterbody _____

A3. What is the distance from this project to the nearest body of water?

Often a buffer between the project and a stream can reduce the chance of a negative impact to fish.

A4. What is the current land use between the project and the potentially affected water body (parking lots, farmland, etc.)

A5. Is the project above a:
Natural permanent barrier (waterfall) YES _____ NO _____
Natural temporary barrier (beaver pond) YES _____ NO _____
Man-made barrier (culvert, dam) YES _____ NO _____
Other (explain)

A6. If yes, are there any resident salmonid populations above the blockage?
YES _____ NO _____ Don't Know _____

A7. What percentage of the project will be impervious surface (including pavement & roof area)?

FISH MIGRATION: The following questions will help determine if this project could interfere with migration of adult and juvenile fish. Both increases and decreases in water flows can affect fish migration.

B1. Does the project require the withdrawal of
a. Surface water? Yes _____ No _____
Amount _____
Name of surface water body _____
b. Ground water? Yes _____ No _____
Amount _____
From Where _____
Depth of well _____

B2. Will any water be rerouted? YES _____ NO _____
If yes, will this require a channel change?

B3. Will there be retention ponds? YES _____ NO _____
If yes, will this be an infiltration pond or a surface discharge to either a municipal storm water system or a surface water body?

If to a surface water discharge, please give the name of the waterbody.

B4. Will this project require the building of new roads? Increased road mileage may affect the timing of water reaching a stream and may, thus, impact fish habitat.

B5. Are culverts proposed as part of this project? Yes _____ No _____

B6. Will topography changes affect the duration/direction of runoff flows?
Yes _____ No _____

If yes describe the changes.

B7. Will the project involve any reduction of the floodway or floodplain by filling or other partial blockage of flows? Yes _____ No _____

If yes, how will the loss of flood storage be mitigated by your project?

WATER QUALITY: The following questions will help determine if this project could adversely impact water quality. Such impacts can cause problems for listed species. Water quality can be made worse by runoff from impervious surfaces, altering water temperature, discharging contaminants, etc.

C1. Do you know of any problems with water quality in any of the streams within this watershed? YES _____ NO _____

If yes please describe.

C2. Will your project either reduce or increase shade along or over a waterbody?
YES _____ NO _____ Removal of shading vegetation or the building of structures such as docks or floats often result in a change in shade.

C3. Will the project increase nutrient loading or have the potential to increase nutrient loading or contaminants (fertilizers, other waste discharges, or runoff) to the waterbody?

YES ___ NO ___

C4. Will turbidity be increased because of construction of the project or during operation of the project? In-water or near water work will often increase turbidity. YES ___ NO ___

C5. Will your project require long term maintenance, i.e., bridge cleaning, highway salting, chemical sprays for vegetation management, clearing of parking lots?

YES ___ NO ___

Please Describe.

Vegetation: The following questions are designed to determine if the project will affect riparian vegetation, thereby, adversely impacting salmon.

D1. Will the project involve the removal of any vegetation from the stream banks?

YES ___ NO ___

If yes, please describe the existing conditions and the amount and type of vegetation to be removed.

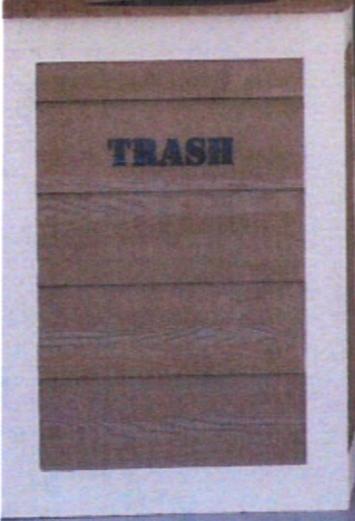
D2. If any vegetation is removed, do you plan to re-plant? YES ___ NO ___

If yes, what types of plants will you use?

FOR OFFICIAL USE ONLY:	
Critical Area Review Completed by <u>Clark Pasay</u>	on <u>6-4-2014</u>
Application approved for processing by <u>Clark Pasay</u>	on <u>6-4-2014</u>
Zoning and Comp Plan Designation <u>RL 5</u>	

BOAR 1.3

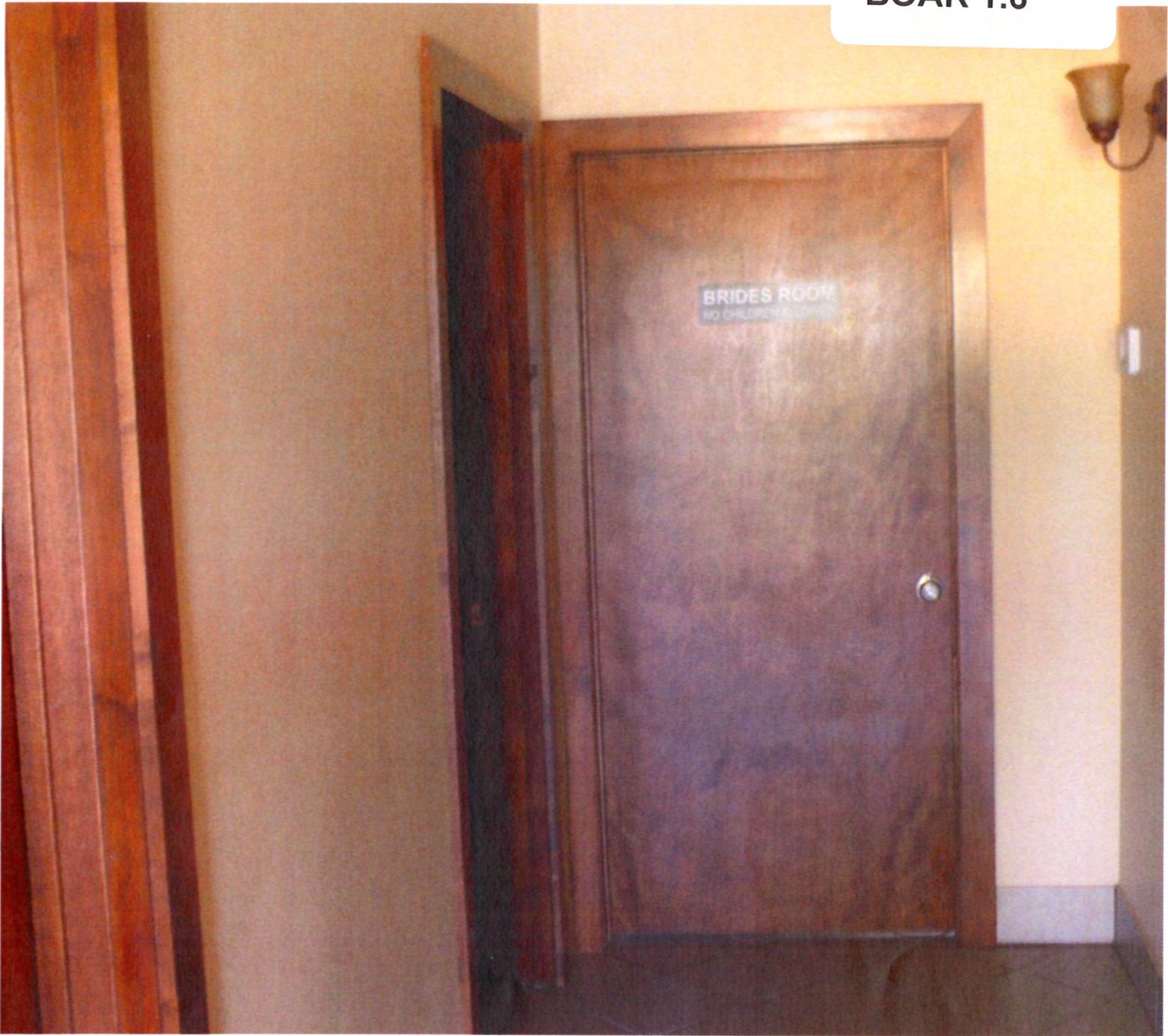




BOAR 1.5

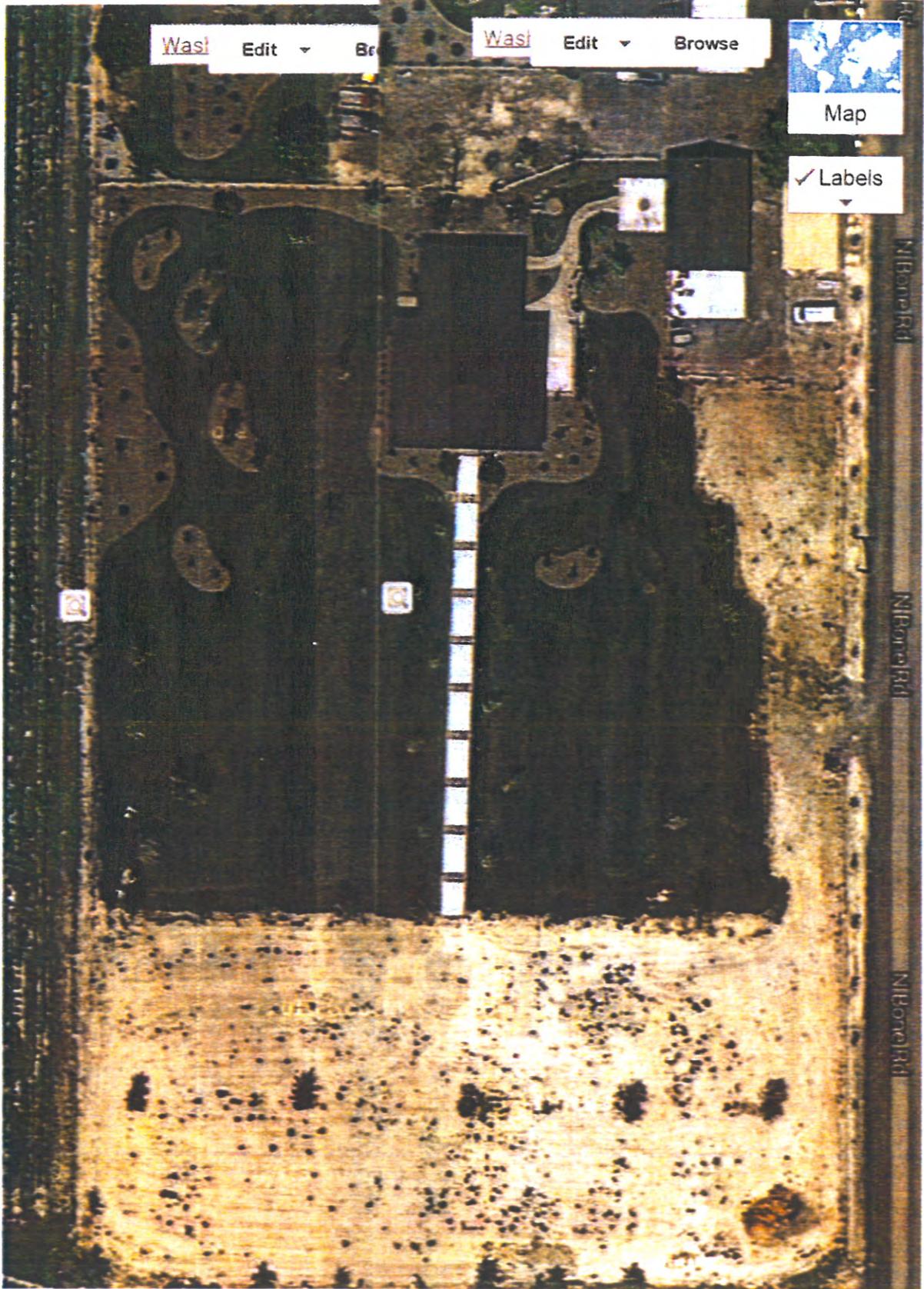


BOAR 1.6



BOAR 1.7

x x





Gary Heslop

Certified Public Accountant

BOAR 1.8

This letter is in reference to Adam and Maria Milanez.

I have been their accountant for 10 years. During this period the Milanez have operated electrical contracting business in the Lower Valley. In my opinion the Milanez' are very successful business owners. They are successful because of their desire to be professional in all aspects of the lives personally and in business. I expect that they will continue this successful way of operating, when they operating the new venture you are reviewing.

I was also an officer for the Prosser Chamber of Commerce for 14 years and President for 2 years, 2004 & 2005. During these years we had numerous requests for a facility like the one the Milanez' have built and now wants to make available to the public. During my tenure, there were very few places we could recommend. This will be a real asset to the area for private and public functions. I would expect that after receiving the require permits, the Milanez' will operate this facility as they have operated their other business, in a very professional and responsible manner.

I would hope the county and/or any other agency work with the Milanez' to getting this business facility available for use.

Gary Heslop

Gary R Heslop CPA

6/5/14

BOAH 1.1

June 22, 2014



1123 Meade Avenue
Prosser, WA 99350
509-778-4048

Benton County

RE: Wine Country Gardens
Prosser, WA

Dear Benton County:

I'm so excited for Adan & Maria Milanez to open their new outdoor event facility. The lower Yakima Valley is in dire need of such a facility. I have personally toured the facility and I think they have done a wonderful job and tried to think of everything in advance. There is a Bride's changing area; kitchen facility with plenty of counter space for food preparation; multiple stalls in the bathroom instead of just one; as well as plenty of off street parking.

There are not too many places to hold a large wedding or family reunion. So many people end up heading toward Yakima or Tri-Cities if they want an outdoor event.

I hope that Benton County will give the Milanez family all of their required permits so that this facility can be up and running immediately.

Sincerely,

A handwritten signature in cursive script that reads "Laura Ripplinger".

Laura Ripplinger

Owner

RECEIVED

JUL 2 2014

Benton County
Planning Department

LKR Real Estate Services, Inc.

www.LKRRealEstate.com

06/10/2014

To whom it may concern:

I have had the privilege of visiting Wine Country Gardens located at 16302 N Bone Road in Prosser, WA. I was very impressed with the facility's indoor and outdoor area. It is beautiful and you can tell that the owners take a lot of pride in the business.

I recommend that every one visit this venue when wanting to plan an outdoor event. The Wine Country Gardens is a great asset to the Prosser area. I believe that in the future this business will enhance Prosser and bring more visitors and money into other businesses and the community in general.

Thank you,



Jessica Gonzales

503 Eberle RD

Grandview, WA 989303

509-830-0021

RECEIVED

JUL 2 2014

Benton County
Planning Department

Maria Milanez

A

BOAH 1.3

From: jacqueline herrera <jackie8herrera@gmail.com>
Sent: Wednesday, June 04, 2014 10:45 AM
To: Maria Milanez
Subject: Venue

To whom it may concern;

I'd like to share my thoughts on Wine Country Gardens and it's awesome benefit to the lower valley. This venue is beautiful, done perfectly and offering the best of both worlds, indoor/outdoor venue. There are not many places that offer all this venue offers for the price. Its centrally located for anyone in prosser to sunnyside looking to get married etc. The grounds are beautiful and just what Prosser needed to keep in tune with the economy. Not many people can afford to pay over 5 grand on a venue and this venue being under that makes it even more sought after. Large enough for a big wedding but still intimate for a small party. This place has already gotten many recommendations from me and I assure you this venue just what was needed here.

Jackie Herrera
Financial Service Specialist
HAPO Community C.U
5094392350

RECEIVED

JUL 2 2014

Financial Services Department

BOAH 1.4

To whom it may concern,

I am pleased to offer this letter in recommending WineCountryGardens as a positive factor in the growth and interests of Prosser.

It has been an extreme pleasure getting to know Maria and Adan Milanez. I have known them for several years now and I have never run across people more dedicated to their family and their community as they are. Their values are set high as are their goals to prosper and demonstrate their ability to do so.

Prosser is well known for its growing number of local wineries... These benefits bring the city and local areas tourism which has been generated, and growing in recent years. I believe this would be an incredible asset to Prosser, taking it further in the growth of its community not only a vineyard at a time, but demonstrating a good prospective of a working community, dedication and interest that it deeply values.

For the reasons and many more stated above, I highly recommend WineCountryGardens as a positive feedback for the city of Prosser. Please feel free to contact me at the following e-mail address, at Lic_Gonza@hotmail.com, if you have any questions.

Thank you for your consideration. I wish all of you a happy and prosperous 2014.

Sincerely,

Marcos Gonzalez

RECEIVED

JUL 2 2014

Warren County
Planning Department

BOAH 1.5

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Mario Stoddard

Printed Name Mario Stoddard

Signature

166903 W Apricot Rd Prosser WA 99350

Address

Date 6 11 14

RECEIVED

JUN 2 2014

PROSSER
WA 99350

BOAH 1.6

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

 _____

Printed Name BEN HARTMAN

Signature

10204 N GRIFFIN RD _____

Address

Date 6-11-14 _____

RECEIVED

JUL 2 2014

City of Prosser
Police Department

BOAH 1.7

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.



Printed Name CONNIE R. LEE

Signature

170202 W. Apricot Rd. Prosser, WA 99350

Address

Date 6/11/14

RECEIVED

JUL 2 2014

Prosser, WA
Police Department

BOAH 1.8

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Donald D. Miller

Printed Name Don Miller

Signature

163201 W. Apricot Rd 99350

Address

Date 6-12-14

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.9

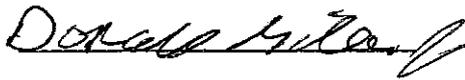
June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.



Printed Name

Donald Miller Jr

Signature

166711 W. Apricot Rd Prosser WA 99350

Address

Date 6-12-14

RECEIVED

JUL 2 2014

Benewah County
Planning Department

BOAH 1.10

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Printed Name Andres M. Sanchez

Signature

Andres M. Sanchez

Address 18901 W. GRINN RD.

Date 6/12/14

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.11

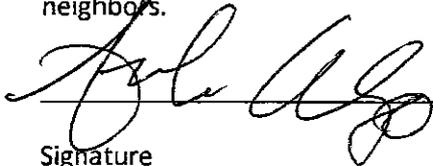
June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.



Signature

Printed Name Emilio Alonso

171701 W APRICOT Rd.

Address

Date 6-12-14

RECEIVED

JUL 2 2014

Storart County
Planning Department

BOAH 1.12

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Beverly Schab

Printed Name BEVERLY SCHAB

Signature

106805 W. King Tull Rd

Address

Date 6/12/14

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.13

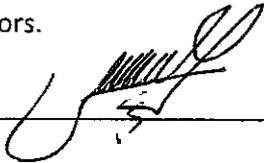
June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.



Printed Name MARTIN VILLANUEVA

Signature

167405 W. APRICOT RD.
Address PROSSER WA 99350

Date 6-16-14.

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.14

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.



Printed Name Bob L Schlosser

Signature

168207 W Apricot Rd Prosser

Address

Date 6-16-14

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.15

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Thomas Leight Printed Name Thomas Leight
Signature
Thomas Leight 14503 N GREEN RD Prosser WA 99350
Address
Date 5-16-14

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.16

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Olivia Corona

Printed Name _____

Signature

14505 N GRIFFIN RD PROSSER WA 99350

Address

Date 6-16-14

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.17

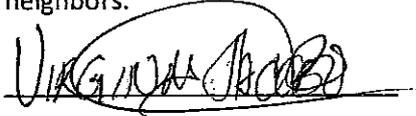
June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.



Printed Name Virginia Jacobo

Signature

17201 N. Bone Rd. Prosser, WA 99350

Address

Date 6-23-2014

RECEIVED

JUL 2 2014

Benton County
Planning Department

BOAH 1.18

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

Deek Dyl

Printed Name Deek Dyl

Signature

18301 N Bone Rd Prosser WA 99350

Address

Date 6-23-2014

RECEIVED

JUL 2 2014

Benewah County
Planning Department

BOAH 1.19

June 3, 2014

To Whom it May Concern:

Adam & Maria Milanez, who are doing business as Wine Country Gardens, are notifying our neighbors of our interest in allowing individuals to hold wedding receptions, Quinceneras, and other family gatherings on our property located at 16302 N Bone Rd Prosser, WA 99350. These gatherings will all be family related events.

Wine Country Gardens will have a big play field where children can run & play friendly and enjoy different activities like soccer, and football tag, exc.

Adults and children will be supervised by licensed & bonded security at time of the events. Gatherings will be held weekends and music will be kept so that it will not disturb surrounding neighbors.

~~BERNIN QUEZADA~~ Printed Name Bertin Quezada

Signature

16901 Bone Rd Prosser, WA 99350

Address

Date 6-23-2014

RECEIVED

JUL 2 2014

Benton County
Planning Department

**EXHIBIT LIST FOR CUP 2014-004
 APPLICANT: ADAN LANDIN DE LA MORA**

The Exhibit Numbers are located in the top right hand corner of each document.

BOAM – Board of Adjustment Record Exhibits

BOAR – Board of Adjustment Memo Exhibits

BOAH 1 - Documents submitted during the hearing

BOARD OF ADJUSTMENT STAFF MEMO EXHIBIT LIST			
BOAM 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAM 1.1	Staff Memo	July 15, 2014
	BOAM 1.2	Notice of Open Record Hearing	July 11, 2014
	BOAM 1.3	Benton Clean Air Agency comments	July 2, 2014
	BOAM 1.4	Benton County Fire Marshal comments	July 2, 2014
	BOAM 1.5	Columbia Irrigation District comments	July 2, 2014
	BOAM 1.6	Benton PUD comments	July 3, 2014
	BOAM 1.7	Benton Franklin Health District comments	July 7, 2014
	BOAM 1.8	Department of Ecology comments	July 9, 2014
	BOAM 1.9	Site Map	July 1, 2014
	BOAM 1.10	Benton County Public Works comments	July 22, 2014
	BOAM 1.11	Aerial of the site	July 1, 2014
	BOAM 1.12 to BOAM 1.14	Pictures of the site taken by the Benton County Planning Department	July 21, 2014
BOARD OF ADJUSTMENT RECORD EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit Application	June 30, 2014
	BOAR 1.2	Site plan submitted by the applicant	June 30, 2014
BOARD OF ADJUSTMENT HEARING EXHIBIT LIST AUGUST 7, 2014			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE

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

BOAM 1.1

MEMO DATE: JULY 15, 2014

MEETING DATE: AUGUST 7 2014

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: CLARK A. POSEY, SENIOR PLANNER 
BENTON COUNTY PLANNING DEPARTMENT

RE: CONDITIONAL USE PERMIT - CUP 2014-004

**APPLICANT/
PROPERTY
OWNER:** ADAN LANDIN DE LA MORA
27205 S 1942 PR SE
KENNEWICK, WA 99337

SPECIFIC REQUEST

The applicant is requesting approval of a Conditional Use Permit for the operation of fence manufacturing, repair and paint/powder coating business.

BACKGROUND

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.

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

Zoning/Comprehensive Plan: The site and surrounding properties are Rural Lands 5.

Washington State Environmental Policy Act: This project is categorically exempt from SEPA requirements.

APPLICABLE DEVELOPMENT REGULATIONS

The Benton County Code Section 11.16A.06 (In the Rural Lands 5 District) states that: "Any use not authorized or approved pursuant to BCC 11.16A.030, .040, and .050 is prohibited by laws of Benton County or the State of Washington"

1. BCC 11.16A.050 (w). Business Activities that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from an approved accessory building detached from all dwelling

units if the following criteria as well as any other conditions required by the Board of Adjustment are satisfied BCC 11.16A.050(w).

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.

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 Adan Landin De La Mora. The site location is 27205 S 1942 PR SE Kennewick, WA 99337 in the East Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 17, Township 8 North, Range 30 East, W.M.
2. The applicant is requesting approval of a Conditional Use Permit for the operation of a fence manufacturing, with paint/powder coating business.
3. The application for CUP 2014-004 was submitted to Benton County on June 30, 2014 and was deemed complete for processing on July 1, 2014.
4. The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 2014-004 was published on July 23, 2014 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 August 7, 2014.
5. Conditional Use Permit Application CUP 2014-004 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 Rural Lands 5 Zone.
9. Benton Franklin Health District comments:
 - a. From the plot plan that was submitted by the applicant it would appear that the shop that will be used for the proposed business was built a significant distance away from the on-site septic system. It does not appear that what is being proposed will encumber or impact the existing drainfield.

b. From our review of the application it appears that Mr. De La Mora will not hire any non-resident employees for this business. It would also seem very unlikely that this type of business would create a situation where members of the public would be utilizing water from the single family well serving this property.

Additional Benton Franklin Health District comments: Exhibit No. BOAM 1.7

10. Benton County Building Department commented, "Building Permits will be required".
11. The Benton County Public Works Department comments: "Because the application is for a business, the approach of 1942 PR SE on to Bowles Road must be paved." If a separate access is applied for and approved by the Public Works Department, any new access would also have to conform to County Standard Plan 96-05 and that approach would need to be paved. "If the parking area is being accessed from Bowles Road they need to have a Commercial approach 96-05 if the traffic for the business is accessing it from the private road then disregard. Exhibit BOAM 1.10
12. The applicant has requested that the business hours of operation be Monday thru Saturday, 8:00 a.m. to 6:00 p.m. and by appointment.
13. The applicant has requested that a 2x2 foot sign be placed on the property on Bowles Road or placing a sign attached to the building not requested any signage for this business activity.
14. Columbia Irrigation District comments: Exhibit No. BOAM 1.5
15. The Washington State Department of Ecology's comments: Exhibit No. BOAM 1.8
16. Benton Clean Air Agency comments: Exhibit No. BOAM 1.3
17. Benton County Fire Marshal comments: Exhibit No. BOAM 1.4
18. Benton PUD comments: Exhibit No. BOAM 1.6

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 Conditional Use Permit Application 2014-004, 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 Conditional Use Permit 2014-004 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 conditional use permit until those conditions have been met. The conditional use 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 conditional use permit within one (1) year from the time the Board of Adjustment conditionally approved the conditional use 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. For zoning restrictions, all of the business activities must be contained to the areas located within the 1800 sq. ft. of the building site plan submitted with the application.

4. That the applicant continues to comply with the Benton Franklin Health District codes and regulations. Any changes or modifications to the originally submitted plan must be approved by the Health District, Benton County Building Department, Benton County Fire Marshal and verification must be provided to the Benton County Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-004 is in effect.

5. No parking within any part of the road right of way will be allowed. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-004 is in effect.

6. That the presence of customers/clients and non-resident employees at the business activity shall be limited to Monday thru Saturday, 8:00 a.m. to 6:00 p.m. and by appointment. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-004 is in effect.

7. That any proposed outdoor lighting associated with this conditional use permit is deflected downward to avoid unnecessary glare on neighboring parcels. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-04 is in effect.

8. That the property owner and the proprietor(s) of the business shall comply with all the requirements of the Washington State Department of Ecology, 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 conditional use permit pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations.

9. 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 Conditional Use Permit CUP 2014-004 is in effect.

10. That any waste created in association with the business as a result of this conditional use 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 Conditional Use Permit CUP 2014-004 is in effect.

11. Benton County Public Works Department requires that the approach from 1942 PR SE onto Bowles Road be paved or if the County Public Works Department allows an access directly off Bowles Road that will need to be paved to Standard 96-05. The applicant will need to contact the Benton County Public Works Department.

12. The applicant may utilize a private road for access to the business as he does for his residence. The County cannot give approval to the use of the private road for a commercial use. Only the approval for the action performed on the lot as an operation of fence manufacturing, repair and paint/powder coating business.

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

NOTICE OF OPEN RECORD HEARING(S) BOAM 1.2

NOTICE IS HEREBY GIVEN that the following application(s) has been proposed to the Benton County Board of Adjustment, Benton County, Washington.

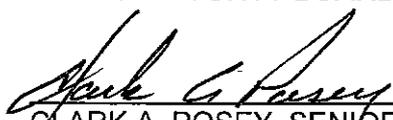
CONDITIONAL USE PERMIT – CUP 2014-004 - The applicant is requesting approval of a Conditional Use Permit for the operation of fence manufacturing, repair and paint/powder coating business. The site is located at 27205 S 1942 PR SE Kennewick, WA 99337 in the East Half of the Southwest Quarter of the Southwest 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

NOTICE IS GIVEN that said application(s) will be considered by the Board of Adjustment of Benton County, Washington at the public hearing(s) on **Thursday, August 7, 2014 beginning at the hour of 7 p.m. in the Planning Annex – 1002 Dudley Avenue – Prosser, WA 99350.** All concerned persons may appear and present any support for or objections to the application(s) or provide written testimony to the Board of Adjustment in care of the Planning Department on or before the date of the hearing(s). More information concerning these actions can be obtained by contacting Clark A. Posey, Senior Planner at the Benton County Planning Department, 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

It is Benton County's policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities or be subjected to discrimination. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please download and submit the Accommodation Request Form 48 hours prior to the date of the meeting. The form is located on the Benton County website which is www.co.benton.wa.us under the Personnel Department or contact the Benton County Planning Department at the numbers noted above for assistance. **NOTE: ANY INFORMATION SUBMITTED TO BENTON COUNTY IS SUBJECT TO THE PUBLIC RECORDS DISCLOSURE LAW FOR THE STATE OF WASHINGTON (RCW CHAPTER 42.17) AND ALL OTHER APPLICABLE LAW THAT MAY REQUIRE THE RELEASE OF THE DOCUMENTS TO THE PUBLIC.** It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department the afternoon of the hearing by 4 p.m. to confirm that the hearing will be conducted as scheduled.

Dated this 11th day of July, 2014.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT



CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Wednesday, July 23, 2014



**BENTON
CLEAN AIR AGENCY**

July 2, 2014

RECEIVED

Re: CUP comment
File No: **CUP 2014-004**

JUL 7 2014

Clark Posey, Senior Planner
Benton County Planning Dept.
P.O. Box 910
Prosser, WA 99350

**Benton County
Planning Department**

Proponent:
Adan Landin
27205 S. 1942 PR SE
Kennewick, WA 99337

Mr. Posey:

The Benton Clean Air Agency (BCAA) is in receipt of Conditional Use/Special Permit Application #CUP2014-004 for a metal fabrication facility. Such facility may have permitting requirements under the Washington State Clean Air Act, RCW 70.94, if any of the following activities are taking place at the facility:

- Chrome or other metal plating or anodizing
- Painting using paints, solvents, or coatings in excess of 10 gallons/yr;
- Curing of paints or coatings using a heated paint booth or oven
- Degreasing or metal cleaning using halogenated or evaporative solvents
- Abrasive blasting

In addition, depending on the size of the facility, permitting requirements may be triggered if the potential emissions of nitrogen oxides, sulfur oxides, carbon monoxide, volatile organic compounds, particulate matter, lead, or toxic and hazardous air pollutants exceed exemption levels in Washington Administrative Code (WAC) 173-400-110 and 173-460-080.

This facility will also be subject to the following general requirements of WAC 173-400 as follows:

WAC 173-400-040 General standards for maximum emissions.

(3) Fallout.

No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the

owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(5) Odors.

Any person who shall cause or allow the generation of any odor from any source or activity which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(9) Fugitive dust sources.

(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.

If there are any questions, please let me know.

Sincerely,

Rob Rodger
Air Quality Engineer

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

BOAM 1.4

TO: Clark Poesy

CUP 14--004

Date Received 7-2-14 Date Returned 7-7-14

Comments: Adan Landin, 27205 S. 1942 PR SE, Kennewick, 99337, 832-799-0066, proposes to operate on parcel 1-1780-301-2186-001 a business, which involves powder coating.

Fire Marshal's Comments:

- Mr. Landin, indicated in his CUP application, he has applied for a building permit 14-28644, which is attached (Pg. 16 dated 6-24-14). But, the permit is for a residential garage. Not a commercial building.
- Mr. Landin's CUP 14-04 should not be approved until the Building Department and this office has completed a plan review that is based on the actual use of the building. Mr. Landin is to supply a detail scaled building, which includes a description of its room's use and paint booth plans to Plans Examiner, Rod Worthington.
- Following the fire flow requirements are the fire code generic requirements for a powder operation.
- All electrical equipment shall be listed for their application.

Requirements:

Fire Flow

The required fire flow for a wood frame 40'x84' housing a powder coating operation is 12,600 gallons. A tank(s) or a pond can be used to provide for holding the water. If a pond is selected, a means to keep the pond full and weed free must be approved. Pages 10 through 17 contain the specific fire flow requirements.

Pond

1. The following pond comments are made to prevent either of us from falling prey to assumptions. The area around the pond has to be fire truck accessible. Please let me know where the draft connection will be located.
2. To prevent any misunderstanding, please email (ken.williams@co.benton.wa.us) or fax (736-2732) a drawing of the pond showing where the draft connection will be and the surface area to and around the draft connection.
3. In digging the pond, please keep in mind the pond will need to be deep enough so the fire flow volume of 12,600 gallons will be as shown in the drawing on page 18 of this letter. Please email or fax (736-2732) a cross-section drawing of the pond showing the various dimensions.
4. Prior to filling the pond, an inspection of the pond's size and the draft connection's thrust blocks and its piping must be approved.
5. Approving the final inspection, includes the pond requirements.
6. The following websites may be helpful in meeting the requirement of maintaining the pond weed free.
<http://www.newtechbio.com/dead-algae-and-duckweed-digester.htm>
<http://www.youtube.com/watch?v=HFu7vUVWWs0> This is a product website
<https://www.lakelawnandpond.com/PondCareBasics.aspx>

RECEIVED

Tanks

JUL 7 2014

The tanks can be either installed above or belowground. See pages 19 and 20.

The following are specific sections of the Fire Code affecting your proposal, and after each section are my general comments. I'm sure after reading this there will be questions, so feel free to contact me.

POWDER COATING

2406.1 General. Operations using finely ground particles of protective finishing material applied in dry powder form by a fluidized bed, an electrostatic fluidized bed, powder spray guns or electrostatic powder spray guns shall comply with Sections 2406.2 through 2406.7. In addition, Section 2407 shall apply to fixed electrostatic equipment used in powder coating operations.

Fire Marshal Comments

Though the hazard associated with powder-coating operations is considered less than that of a similar operation using flammable or combustible liquids. The energy required to ignite a cloud of air-suspended coating powder is from 100 to 1,000 times higher than that required to ignite flammable vapors associated with fluid-coating processes. Nevertheless, these operations pose a significant explosion hazard when organic powder is suspended in air, forming dust clouds.

2406.2 Location. Powder coating operations shall be conducted in enclosed powder coating rooms, enclosed powder coating facilities which are ventilated or ventilated spray booths.

Fire Marshal Comments

This section simply states that powder coating must be conducted within enclosed rooms, spaces or apparatus that are designed for the purpose and constructed in accordance with the Fire Code

2406.3 Construction of powder coating rooms and booths. Powder coating rooms shall be constructed of noncombustible materials. Spray booths shall be constructed in accordance with Section 2404.3.2.

Exception: *Listed* spray-booth assemblies that are constructed of other materials shall be allowed.

Fire Marshal Comments

The majority of powder-coating operations are conducted in rooms or spray booths designed specifically to accommodate the air-borne dust. Listed spray booth assemblies must be specifically listed for powder-coating operations to ensure that the differences in medium between flammable spray finish and powder coating are addressed in the protection systems. The exception allows powder-coating operations to be conducted in spray booths constructed of any material, provided that the spray booths are listed.

2406.4 Fire protection. Areas used for powder coating shall be protected by an *approved* automatic fire-extinguishing system complying with Chapter 9.

903.2.5.1 General. An automatic sprinkler system shall be installed in Group H occupancies.

Fire Marshal Comments

Although automatic sprinkler protection is the most common method of protection in facilities, other approved automatic fire suppression systems may be installed, but must be installed in accordance with Chapter 9 of the Fire Code and maintained.

*Although the areas where powder coating will not occur are not required to be sprinklered by the Fire Code, the **Building Code may require sprinklers be installed through out the entire building including the oven and coating area.** This cannot be determined until the Building Department has completed a plan review of the construction drawings submitted with the building permit application.*

Should it be decided to go with the fire sprinkler system the onsite water storage will be required to be the largest value of the sprinkler system requirements, or the fire flow as determined by National Fire Protection

Association Standard 1142. For example, if the sprinkler system requires a storage of 10,000 gallons and the building's fire flow is 18,000 gallons, the storage requirement will be 18,000 gallons.

2406.4.1 Additional protection for fixed systems. Automated powder application equipment shall be protected by the installation of an *approved*, supervised flame detection apparatus that shall react to the presence of flame within 0.5 second and shall accomplish all of the following:

1. Shutting down of energy supplies (electrical and compressed air) to conveyor, ventilation, application, transfer and powder collection equipment.
2. Closing of segregation dampers in associated ductwork to interrupt airflow from application equipment to powder collectors.
3. Activation of an alarm that is audible throughout the powder coating room or booth.

Fire Marshal Comments

Automated powder application may or may not have operators who would take steps to reduce the severity of the fire by shutting down the supply of powder, turning off energy supplies, warning occupants for evacuation, etc. The flame detection system and its associated interlocks are part of the protection system, in case ignition has already occurred. To reduce the severity of a fire or dust cloud explosion, the powder-coating application must be shut down immediately upon fire detection. Because automated powder application equipment may at times be unsupervised, flame detection that automatically can shut down the system is required. Shutting down systems, such as conveyors, that can further spread the fire or an application that further augments the existing fuel load/airborne dust is critical to reducing the severity of a fire.

The term "supervised" means should the flame detection equipment operate because of either a system failure, or an electrical problem, a 24-hour monitoring agency will be automatically notified. Upon receiving notification, the monitoring agency will notify the proper fire district.

Furthermore, an audible alarm throughout the powder-coating room or area must notify the occupants to evacuate immediately to avoid injury. For example, injury to occupants of the booth may be avoided or reduced if they evacuate when a small incipient fire is detected before it reaches areas within the booth where dust-cloud explosions are sustainable.

2406.4.2 Fire extinguishers. Portable fire extinguishers complying with Section 906 shall be provided for areas used for powder coating in accordance with the requirements for an extra-hazard occupancy.

Fire Marshal Comments

Powder Coating areas are classified as an extra hazard occupancy in accordance with NFPA 10 because of the higher hazard of powder-coating operations.

2406.5 Operation and maintenance. Powder coating areas shall be kept free from the accumulation of powder coating dusts, including horizontal surfaces such as ledges, beams, pipes, hoods, booths and floors.

Fire Marshal Comments

Regularly scheduled cleaning of accumulation of powder on surfaces is an important and often most ignored good housekeeping practice. This is especially critical when pieces are bonded to the conveyor.

If too much residue is accumulated on the conveyor, the pieces may no longer be bonded. When pieces are preheated, the additional dust accumulation may contribute to air-borne dust and escalate a small fire to a much larger and more severe fire.

2406.5.1 Cleaning. Surfaces shall be cleaned in such a manner so as to avoid scattering dusts to other places or creating dust clouds. Vacuum sweeping equipment shall be of a type *approved* for use in hazardous locations.

Fire Marshal Comments

Additional air-borne dust must be avoided during cleaning operations. Any type of dust-agitating process

can create a potential for flash fires or dust explosions. Removal of dusts from any horizontal surfaces, such as ledges, beams, pipes, hoods, booths and floors, is important in reducing the excess dust concentrations within powder-coating areas. Cleaning should minimize the scattering of dust or creation of a dust cloud that can easily cause a fire or explosion. Your vacuum sweeping equipment must be approved for the type of use and be electrically classified in accordance with NFPA 70.

Mr. Landin the National Fire Protection Association 70 Code is enforced by the Electrical Division of L&I, and I'd be doing you a great disservice if I was to tell you what equipment is approved for what areas. If you were to go out and purchase and install equipment based on my comments, when the electrical came by for a final inspection everything could be wrong. Which, of course, would mean replacing the equipment.

Please Contact Dene Koons, Electrical Field Supervisor, 735-0130, and informed him of your proposed powder coating operations. When you talk to Mr. Koons be sure to bring in your equipment information and electrical drawings, and he'll help you. This is important to get his comments before purchasing or installing the equipment because an occupancy permit cannot be approved until L&I has approved all of the electrical.

2406.6 Sources of ignition. Control of sources of ignition shall be in accordance with Section 2403.2 and Sections 2406.6.1 through 2406.6.4.

Fire Marshal Comments

This section establishes the applicability of the listed sections to the control of ignition sources in powder coating operations. All electrical equipment must be approved by the Electrical Division of the State's L&I.

2406.6.1 Drying, curing and fusion equipment. Drying, curing and fusion equipment shall comply with Chapter 30.

Fire Marshal Comments

Chapter 30 details the construction, operation, maintenance and fire protection of, as well as the equipment and piping associated with, industrial ovens. All electrical equipment must be approved by the Electrical Division of the State's L&I.

2406.6.2 Spark-producing metals. Iron or spark-producing metals shall be prevented from being introduced into the powders being applied by magnetic separators, filter-type separators or by other *approved* means.

Fire Marshal Comments

Iron or spark-producing metals, such as small work pieces or tools, have caused ignitions or explosions of the air-borne combustible dusts in powder-coating operations. Although magnetic or filter-type separators are the simplest and most commonly used systems for reducing such a hazard, other approved means of removing metals are acceptable.

2406.6.3 Preheated parts. When parts are heated prior to coating, the temperature of the parts shall not exceed the ignition temperature of the powder to be used.

Fire Marshal Comments

During the heating process and prior to coating, safety controls must be implemented to prevent the ignition of the powder on an overheated piece as a result of a system malfunction (temperature control failures, when a piece is overheated on a conveyor that has stopped, etc.).

2406.6.4 Grounding and bonding. Precautions shall be taken to minimize the possibility of ignition by static electrical sparks through static bonding and grounding, where possible, of powder transport, application and recovery equipment.

Fire Marshal Comments

From my research, it is imperative that grounding be adhered to. I've found static electricity is one of the most insidious and most common of all ignition sources. "According to D.R. Scarborough in 2003, static sparks are the most common ignition sources involving spray-finishing operations." Additionally, humans are conductors of electricity, meaning that operators must also be considered when grounding systems are determined. All electrical bonding must be approved by the Electrical Division of the State's L&I.

2406.7 Ventilation. Exhaust ventilation shall be sufficient to maintain the atmosphere below one-half the minimum *explosive* concentration for the material being applied. Nondeposited, air-suspended powders shall be removed through exhaust ducts to the powder recovery system.

Fire Marshal Comments

Powder coating creates explosive atmospheres because of the large surface areas of the particles when dispersed in the air. The explosive limit or concentration, just as with flammable vapors, will depend on the type of material being used. For example, Factory Mutual tested several powder-coating materials and found a range of lower explosive limit (LEL) of 0.026 to 0.097 ounces per square foot and auto-ignition temperatures between 790°F to 1,039°F (412°C to 559°C). Therefore, ventilation system requirements may vary from one type of coating to another. Also, a collection system is required to collect any unused powder. This requirement is similar to ventilation requirements for flammable vapors in its intent to limit the amount of vapors or dusts to a concentration that would not support ignition.

ELECTROSTATIC APPARATUS

2407.1 General. Electrostatic apparatus and devices used in connection with paint-spraying and paint-detering operations shall be of an *approved* type.

Fire Marshal Comments

Electrostatic spraying and paint detearing equipment, as well as electrostatic devices, such as generators, motors, transformers and electrodes, etc., will need to have the label of an independent testing laboratory. The display of the appropriate label or seal of the laboratory indicates evidence of satisfactory performance. Testing laboratories generally publish directories or lists containing important information about labeled products.

2407.2 Location and clear space. A space of at least twice the sparking distance shall be maintained between goods being painted or deteared and electrodes, electrostatic atomizing heads or conductors. A sign stating the sparking distance shall be conspicuously posted near the assembly.

Exception: Portable electrostatic paint-spraying apparatus *listed* for use in Class I, Division 1, locations.

Fire Marshal Comments

*The equipment manufacturer's instructions **must be consulted** to determine the sparking distance of the equipment involved. Once the sparking distance is determined, it must be posted conspicuously in the work area. The sign must be clear, concise and of durable construction. Maintaining the required separation distance prevents sparks generated by the properly maintained equipment from igniting vapors near the surface of the newly coated workpiece before it dries.*

The exception recognizes that portable electrostatic spray guns have been listed by recognized testing laboratories for many years and are in use in commercial/industrial applications throughout the United States. These units are listed for use in Class I, Division I, Group D environments and they do not create an ignition source from potential sparking. Such units are designed to preclude sparking when the spray gun is moved directly against the object being sprayed. The requirements to install barriers, provide signs or require general isolation of equipment do not improve the safety of this category of equipment and hamper its use by industry.

All electrical equipment must be approved by the Electrical Division of the State's L&I.

2407.3 Construction of equipment. Electrodes and electrostatic atomizing heads shall be of *approved* construction, rigidly supported in permanent locations and effectively insulated from ground. Insulators shall be nonporous and noncombustible.

Exception: Portable electrostatic paint-spraying apparatus *listed* for use in Class I, Division 1, locations.

Fire Marshal Comments

Electrostatic atomizing heads are connected to both an air source and flammable coating products. Additionally, this particular piece of equipment is connected to high-voltage electricity. Oxygen, fuel and sources of ignition are readily available. Therefore, special care and consideration must be given in the construction and installation of such equipment. To avoid any sparking of the equipment, electrostatic atomizing heads must be insulated from grounded objects or parts.

The exception recognizes that portable electrostatic spray guns have been listed by recognized testing laboratories for many years and are in use in commercial/industrial applications throughout the United States. These units are listed for use in Class I, Division I, Group D environments and they do not create an ignition source from potential sparking. Such units are designed to preclude sparking when the spray gun is moved directly against the object being sprayed. The requirements to install barriers, provide signs or require general isolation of equipment do not improve the safety of this category of equipment and hamper its use by industry.

2407.3.1 Barriers. Booths, fencing, railings or guards shall be placed about the equipment such that either by their location or character, or both, isolation of the process is maintained from plant storage and personnel. Railings, fencing and guards shall be of conductive material, adequately grounded, and at least 5 feet (1524 mm) from processing equipment.

Exception: Portable electrostatic paint-spraying apparatus *listed* for use in Class I, Division 1, locations.

Fire Marshal Comments

The required guards prevent materials with an opposite charge from being placed within the range of the electrostatic spraying apparatus. Guards or railings are grounded so that any charge accumulation or deficit on people or materials will be safely neutralized. The separation distance requirement allows the charge dissipation to occur at a safe distance from ignitable vapors.

The exception recognizes that portable, electrostatic spray guns have been listed by recognized testing laboratories for many years and are in use in commercial/industrial applications throughout the United States. These units are listed for use in Class I, Division I, Group D environments and they do not create an ignition source from potential sparking. Such units are designed to preclude sparking when the spray gun is moved directly against the object being sprayed. The requirements to install barriers, provide signs or require general isolation of equipment do not improve the safety of this category of equipment and hamper its use by industry.

2407.4 Fire protection. Areas used for electrostatic spray finishing with fixed equipment shall be protected with an *approved* automatic fire-extinguishing system complying with Chapter 9 and Section 2407.4.1.

Fire Marshal Comments

Although automatic sprinkler protection is the most common method of protection in facilities, other approved automatic fire suppression systems may be installed if approved by the fire code official. Fire protection systems, equipment and devices must be installed in accordance to the fire code and maintained.

Should it be decided to go with fire sprinkler system the onsite water storage will be required to be the amount of water required by the sprinkler system. But, if the building size is increased to over 2,500 sq.ft, then the amount of water (called fire flow) will be the largest value of the sprinkler system requirements or the fire flow as determined by National Fire Protection Association Standard 1142. For example, if the sprinkler system

requires a storage of 10,000 gallons and the building's fire flow is 18,000 gallons, the storage requirement will be 18,000 gallons.

2407.4.1 Protection for automated liquid electrostatic spray application equipment. Automated liquid electrostatic spray application equipment shall be protected by the installation of an *approved*, supervised flame detection apparatus that shall, in the event of ignition, react to the presence of flame within 0.5 second and shall accomplish all of the following:

1. Activation of a local alarm in the vicinity of the spraying operation and activation of the building alarm system, if such a system is provided.
2. Shutting down of the coating material delivery system.
3. Termination of all spray application operations.
4. Stopping of conveyors into and out of the flammable vapor areas.
5. Disconnection of power to the high-voltage elements in the flammable vapor areas and disconnection of power to the system.

Fire Marshal Comments

*Automated liquid electrostatic spray application may or may not have operators that would take steps to reduce the severity of the fire, such as shutting down the supply of coating material, warning occupants for evacuation purposes, etc. The flame detection system and its associated interlocks are part of the protection system, in case ignition has already occurred. Systems that are designed to reduce the severity of the accident in the event of a fire need to be initiated automatically. **Supervised** flame detection systems are required by this section to stop the flow of additional fuel into the system, stop the spread of fire by shutting down the conveyor, activate an alarm for evacuation, terminate spray application operations that would further add to the fuel and disconnect power to the system. The power disconnection referred to in this section is for the spray booth equipment, but does not include power to emergency systems.*

The term "supervised" means should the flame detection equipment operate, have a system failure, or an electrical problem a 24-hour monitoring agency will be automatically notified. Upon receiving notification, the monitoring agency will notify the proper fire district.

2407.5 Housekeeping, maintenance and storage of hazardous materials. Housekeeping, maintenance, storage and use of hazardous materials shall be in accordance with Sections 2403.3, 2403.4 and Sections 2407.5.1 and 2407.5.2.

Fire Marshal Comments

This section establishes the applicability of the listed sections to hazardous materials in and around electrostatic apparatus and its operations.

2407.5.1 Maintenance. Insulators shall be kept clean and dry. Drip plates and screens subject to paint deposits shall be removable and taken to a safe place for cleaning. Grounds and bonding means for the paint-spraying apparatus and all associated equipment shall be periodically cleaned and maintained free of overspray.

Fire Marshal Comments

Accumulation of dirt, oil, moisture or debris may compromise the effectiveness of insulators. Overspray accumulations are less severe with electrostatic processes but still require attention. Electrostatic spray equipment requires that grounding and bonding means be properly maintained free of overspray so as to preclude the potential injury to employees or the creation of potential fire hazards caused by the stored electric charge of objects.

2407.5.2 Signs. Signs shall be posted to provide the following information:

1. Designate the process zone as dangerous with respect to fire and accident.

2. Identify the grounding requirements for all electrically conductive objects in the flammable vapor area, including persons.
3. Restrict access to qualified personnel only.

Fire Marshal Comments

Signs should warn of the smoking, open-flame, grounding areas and high-voltage equipment hazards. Additionally, signs should warn against entrance of unqualified personnel into these areas to avoid accidents caused by people or employees who are not trained for the surrounding hazards.

2407.6 Sources of ignition. Transformers, power packs, control apparatus and all other electrical portions of the equipment, except high-voltage grids and electrostatic atomizing heads and connections, shall be located outside of the flammable vapor areas or shall comply with Section 2403.2.

Fire Marshal Comments

Devices that are not classified must be located outside the vapor area to prevent ignition of flammable vapors and overspray residue. The vapor area is defined as "that area where flammable vapors exceed 25 percent of the materials LFL." Equipment must be tested and labeled for use in Class I, Division 1, hazardous locations, as defined by Article 516 of NFPA 70, when locating equipment outside the spraying or vapor area is impractical.

2407.7 Ventilation. The flammable vapor area shall be ventilated in accordance with Section 2404.7.

Fire Marshal Comments

Section 2404.7 is quite long, and for continuity purposes, it will be presented after section 2407.9 which ends the requirements for powder coating/electrostatic.

2407.8 Emergency shutdown. Electrostatic apparatus shall be equipped with automatic controls operating without time delay to disconnect the power supply to the high-voltage transformer and signal the operator under any of the following conditions:

1. Stoppage of ventilating fans or failure of ventilating equipment from any cause.
2. Stoppage of the conveyor carrying articles past the high-voltage grid.
3. Occurrence of a ground or an imminent ground at any point of the high-voltage system.
4. Reduction of clearance below that required in Section 2407.2.

Fire Marshal Comments

The required interlocks reduce the likelihood of the apparatus igniting flammable vapors in the event of any of the specified conditions. Conditions 1 and 2 may lead to an increase in the concentration of flammable vapors in the atmosphere. Condition 3 may lead to the release of a spark or arc capable of igniting flammable vapors. Additionally, occurrence of Condition 4 could bring those parts of the system capable of producing an ignition into an area containing an ignitable vapor concentration.

2407.9 Ventilation interlock. Hand electrostatic equipment shall be interlocked with the ventilation system for the spraying area so that the equipment cannot be operated unless the ventilating system is in operation.

Fire Marshal Comments

The required interlock is intended to prevent the use of hand sprayers without ventilation equipment in operation. Failure to operate exhaust ventilation may lead to the creation of ignitable vapor concentration in the spraying space.

2404.7 Ventilation. Mechanical ventilation of flammable vapor areas shall be provided in accordance with section 502.7 of the *International Mechanical Code*.

Fire Marshal Comments

Flammable-vapor areas, as defined in Section 202, include, but are not limited to, the interior of spray booths and spray rooms. The proper design and installation of exhaust ventilation systems in spraying spaces is critical because of the potential production of large amounts of flammable vapors in the processes. Exhaust systems in spray-finishing areas must also comply with Section 502.7 of the IMC, which regulates hazardous exhaust systems. Additionally, because Section 502.7.3 of the IMC is identical to this section, compliance with the general section of Section 502 of the IMC, especially Section 502.1.1 ("...the inlet to an exhaust system shall be located in the area of heaviest concentration of contaminants..."), is recommended. The location of heaviest concentration resulting from the physical characteristics of a material (for example, vapor density) or the process (such as atomization of the material) must be considered when inlets to exhaust systems are designed.

2404.7.1 Operation. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and finishing material residue to be exhausted. Spraying equipment shall be interlocked with the ventilation of the flammable vapor areas such that spraying operations cannot be conducted unless the ventilation system is in operation.

Fire Marshal Comments

Ventilation must be functioning during the spraying operation phase and the drying phase of a process when vapors are generated. The interlock between the ventilation and spraying equipment will reduce the likelihood of human error, such as operator failure to activate the ventilation system prior to the use of the spray equipment. Operating spray equipment without having the exhaust system in operation could allow fugitive flammable vapors to migrate to areas that may contain unprotected ignition sources and ignite. Continuous operation of ventilation system could also be an integral component of the design of certain alternative fire-extinguishing systems, such as dry chemical systems. Note that this section parallels Section 502.7.3.1 of the IMC.

2404.7.2 Recirculation. Air exhausted from spraying operations shall not be recirculated.

Exceptions:

1. Air exhausted from spraying operations is allowed to be recirculated as makeup air for unmanned spray operations, provided that:
 - 1.1. The solid particulate has been removed.
 - 1.2. The vapor concentration is less than 25 percent of the LFL.
 - 1.3. Approved equipment is used to monitor the vapor concentration.
 - 1.4. When the vapor concentration exceeds 25 percent of the LFL, the following shall occur:
 - a. An alarm shall sound; and
 - b. Spray operations shall automatically shut down.
 - 1.5. In the event of shutdown of the vapor concentration monitor, 100 percent of the air volume specified in Section 510 of the International Mechanical Code is automatically exhausted.
2. Air exhausted from spraying operations is allowed to be recirculated as makeup air to manned spraying operations where all of the conditions provided in Exception 1 are included in the installation and documents have been prepared to show that the installation does not pose a life safety hazard to personnel inside the spray booth, spraying space or spray room.

Fire Marshal Comments

The prohibition of recirculation in this section and in Section 502.7.3.2 of the IMC is specifically directed to the concern that exhaust system makeup air does not add to the fire hazard of the spraying space. The exceptions are fairly specific and focus on the LFL and the monitoring of that limit. The exceptions are based on the environmental community's concerns about the volume of emissions generated by spray finishing. The permissible exposure limit (PEL) is generally more restrictive than the LFL. The recirculation of exhausted air containing flammable vapors could help spread the hazard of flash fires from the area of vapor generation to other parts of the building. At best, it would adversely affect only the area of vapor generation in that it could

render the exhaust ventilation useless. It may also give the operators of the facility a false sense that the level of ventilation is safe for the system.

Exception 1 lists five conditions that must be met for the recirculation of exhausted air in unmanned spray operations. If solid particulates (dusts) are removed from the exhausted air, the exhausted air is no longer considered a fire hazard because the potential for a dust explosion is eliminated. Flammable vapors are defined in Section 202 as "flammable constituents in air that exceed 25 percent of the LFL." By reducing the flammable vapor concentrations to less than 25 percent of the LFL, the exhausted air is no longer considered a flammable vapor. To increase the likelihood that the concentrations remain at less than 25 percent of the LFL, flammable vapor detection systems must automatically shut down the operations, set off an alarm and exhaust 100 percent of the air. This would allow for energy conservation in unmanned operations, without compromising the safety features typically associated with such ventilation systems.

Exception 2 is applicable to manned operations where additional documentation is needed to reduce the risk to personnel, such as people operating the spray equipment, from an injury or life safety standpoint. This documentation may include a risk analysis of fire and health hazards associated with the operation of this equipment when some portion of the exhausted air is recirculated. In general, fire safety efforts have received some assistance from the environmental regulations that have placed restrictions on the amount of volatile organic compounds (VOCs) emitted to the atmosphere. This in turn limits the types of materials used and lowers the flammability characteristics through the use of less volatile liquids.

2404.7.3 Air velocity. Ventilation systems shall be designed, installed and maintained such that the average air velocity over the open face of the booth, or booth cross section in the direction of airflow during spraying operations, shall not be less than 100 feet per minute (0.51 m/s).

Fire Marshal Comments

To facilitate the keeping of flammable vapors within a designated spraying space and limiting the amount of overspray, the code requires that the exhaust system be adequately sized to maintain an average velocity over the open face of the booth or booth cross section of no less than 100 feet per minute (0.51 m/s), which is the minimum velocity to capture particulate spray material. Velocities exceeding 200 linear feet per minute (1.01 m/s) have been determined to be too great for this purpose. To determine the minimum ventilation/exhaust capacity in cubic feet per minute [cfm (m³/s)], multiply the booth width [feet (mm)] by booth height [feet (mm)] by 100 [linear feet per minute (m/s)].

2404.7.4 Ventilation obstruction. Articles being sprayed shall be positioned in a manner that does not obstruct collection of overspray.

Fire Marshal Comments

When ventilation systems for spray operations are designed and installed, the configuration and position of the object being sprayed must be considered because it might disrupt the ventilation pattern in both cross-draft and down-draft ventilation spray booths, thereby compromising the effectiveness of the ventilation system.

2404.7.5 Independent ducts. Each spray booth and spray room shall have an independent exhaust duct system discharging to the outside.

Exceptions:

1. Multiple spray booths having a combined frontal area of 18 square feet (1.67 m²) or less are allowed to have a common exhaust when identical spray finishing material is used in each booth. If more than one fan serves one booth, fans shall be interconnected such that all fans will operate simultaneously.
2. Where treatment of exhaust is necessary for air pollution control or for energy conservation, ducts shall be allowed to be manifolded if all of the following conditions are met:

- 2.1. The sprayed materials used are compatible and will not react or cause ignition of the residue in the ducts.
- 2.2. Nitrocellulose-based finishing material shall not be used.
- 2.3. A filtering system shall be provided to reduce the amount of overspray carried into the duct manifold.
- 2.4. Automatic sprinkler protection shall be provided at the junction of each booth exhaust with the manifold, in addition to the protection required by this chapter.

Fire Marshal Comments

This section requires independent duct exhaust of residue from spray-finishing operations. These ducts must be routed directly to the exterior of the building. A similar language is used in Sections 502.7.3.5 and 510.4 of the IMC. Ducts may not penetrate fire-resistance-rated assemblies.

Exception 1 applies to very small spray booths where the vapor area is very small compared to the area of standard spray booths. Because these individual smaller spray booths are considered as one fire area from a ventilation standpoint, all identical materials are to be used when this exception applies. This will ensure that incompatible materials are not used in booths with a common exhaust system.

Exception 2 notes that because the exhausted air is at times treated, it can be manifolded. However, special hazards must be avoided to ensure fire protection safety. Incompatible materials must be separated in case of a reaction within the ducts. A similar requirement is found in Section 510.4 of the IMC. Nitrocellulose and nitrocellulose-based products are unstable materials that can easily be ignited, and once ignited, need large quantities of water for suppression. Additionally, nitrocellulose is incompatible with many materials (alkalis, amines, etc.). The cleaning products used in other booths may even ignite the nitrocellulose-based products in a manifolded exhaust system. Therefore, the exhaust of nitrocellulose-based products is considered an exception to this section. Additional protection, such as filtering and sprinklers at the junction of spray booth exhaust, is also required.

2404.7.6 Termination point. The termination point for exhaust ducts discharging to the atmosphere shall not be less than the following distances:

1. Ducts conveying explosive or flammable vapors, fumes or dusts: 30 feet (9144 mm) from the lot line; 10 feet (3048 mm) from openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls or openings into the building that are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. Other product-conveying outlets: 10 feet (3048 mm) from the lot line; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from openings into the building; 10 feet (3048 mm) above adjoining grade.

Fire Marshal Comment

This section details the requirements for the safe outlets/termination points of exhaust ducts conveying spray-finish operation effluent. This section gives distances that must be maintained, depending on the type of exhaust, and is consistent with the requirement in Section 501.2.1 of the IMC.

Item 1 details the requirements of safe outlets/termination points for exhaust ducts that convey explosive or flammable vapors, fumes or dusts like those exhaust systems that serve operations involving the application of flammable finishes. The intent of this section is to reduce the exposure from the dangerous vapors in the exhaust. This is done to:

1. Protect other parts of the building;
2. Protect other buildings;
3. Reduce a potential reaction from materials that may be incompatible; and 4. Reduce the severity of a fire, in case of an ignition. Vapors that are considered flammable and flammable finishes, including dusts, have more

restrictive outlet/termination requirements than other vapors due to the potential for ignition. To avoid recirculation of flammable vapors, fumes or dusts back into the building, the duct must be designed and located to reduce such exposures. This may be achieved by physically separating the exhaust outlet from openings in the building, walls and roof, where sources of ignition or incompatible materials may be present [see Figures 2404.7.6(1) and 2404.7.6(2)].

For health and safety reasons, hazardous exhaust cannot be directed onto adjacent property. Maintaining the required distance allows the hazardous contents of the exhaust to disperse into the atmosphere, thereby minimizing the exposure of adjoining property to the potential ignition hazard of a burning ember or spark or the hazardous, noxious and objectionable odors emitted from such systems. Wind and wind induced eddy currents can react with building structural surfaces to create air pressure zones that can diminish exhaust flow or redirect exhaust into nearby building openings, such as fresh air or combustion air intakes and operable windows.

Exhaust systems sometimes incorporate rotating hoods over the discharge opening to prevent high winds from restricting the flow of exhaust gases out of the system. The hoods align themselves with the direction of the wind to allow the unimpeded and sometimes induced discharge from the exhaust outlet. The termination height specified for combustibles walls is more restrictive to allow the concentration of explosive or flammable constituents in the exhaust to diminish before landing or accumulating on a combustible wall. The fire code official must consider prevailing wind conditions in locating hazardous exhaust outlets with respect to other building openings.

Item 2 details the provisions regarding the safe outlets/termination points of other product-conveying ducts, such as those exhausting nonflammable and nonexplosive dusts and waste products. This item requires that the exhaust outlet be located well into the undisturbed wind stream and away from the cavity and wake (eddy) zones around the building. This counteracts the negative effects of wind-induced conditions and also prevents the reentry of exhaust products into the building through openings and fresh air intakes.

2404.7.7 Fan motors and belts. Electric motors driving exhaust fans shall not be placed inside booths or ducts. Fan rotating elements shall be nonferrous or nonsparking or the casing shall consist of, or be lined with, such material. Belts shall not enter the duct or booth unless the belt and pulley within the duct are tightly enclosed.

Fire Marshal Comment

This requirement within the ventilation section is intended to reduce sources of ignition from spark-producing elements. This would increase the likelihood that overspray in the booth or duct cannot accumulate on the motor housing, which could ultimately cause the motor to overheat. Products that are subject to sparking should be avoided within spraying spaces. Belts that drive exhaust fans are not permitted within the spraying area unless the belts and pulleys are tightly enclosed to prevent solvents in exhaust air from degrading the belt materials and causing a failure of the ventilation system. As mentioned in the commentary to Section 2403.4.1, the term “nonsparking” is somewhat inaccurate. Parts made of brass and similar “nonsparking” materials do produce sparks but with ignition energies too low to ignite flammable vapors. Nevertheless, such parts should be designed carefully to avoid producing sufficient frictional heat to cause an ignition.

2404.7.8 Filters. Air intake filters that are part of a wall or ceiling assembly shall be listed as Class I or II in accordance with UL 900. Exhaust filters shall be required.

Fire Marshal Comment

Spray-booth and ventilation system design should effectively enclose spray operations. To prevent exhausting contaminated vapors into the atmosphere and to prevent accumulation of overspray and residue on duct

surfaces and at the duct discharge location, filters must be installed ahead of the exhaust ventilation systems from spraying spaces.

UL 900 requirements cover tests to determine combustibility and the amount of smoke generated for air filter units of both washable and throwaway types used for removal of dust and other air-borne particles from air circulated mechanically in equipment and systems. Because the combustibility and smoke generation of an air filter unit once used depends on the chemicals or materials it is impregnated with, the filter test requirements of UL 900 are for the clean condition only. See the commentary to Section 605.2 of the IMC for further discussion of UL 900 filters.

2404.7.8.1 Supports. Supports and holders for filters shall be constructed of noncombustible materials.

Fire Marshal Comment

This section is also intended to minimize the combustible materials within a spray booth. The area near a filter that is used or partially used is very susceptible to ignition.

2404.7.8.2 Attachment. Overspray collection filters shall be readily removable and accessible for cleaning or replacement.

Fire Marshal Comment

Dry-type overspray collectors or filters of paper or fiberglass construction are more efficient than baffle plates. They are frequently used in spray booths containing moderate volumes of work. Replaceable flat or cartridge filters are intended to be discarded once they are significantly loaded with finish residue.

2404.7.8.3 Maintaining air velocity. Visible gauges, audible alarms or pressure-activated devices shall be installed to indicate or ensure that the required air velocity is maintained.

Fire Marshal Comment

Maintaining air velocities is critical in maintaining a safe environment outside the spraying space, as well as proper collection of flammable vapors and dusts within the spraying space. If air velocities that the exhaust system is designed for are not maintained, the spray booth operator must be made aware of this malfunction. To reduce the possibility of a fire or injury caused by human error, an automatic shutdown of the system is recommended when the designed air velocities are not maintained.

2404.7.8.4 Filter rolls. Spray booths equipped with a filter roll that is automatically advanced when the air velocity is reduced to less than 100 feet per minute (0.51 m/s) shall be arranged to shut down the spraying operation if the filter roll fails to advance automatically.

Fire Marshal Comment

In the case of roll-type filters, fresh filter material is advanced into the air stream when the air velocity is reduced to less than 100 feet per minute (0.51 m/s). The impregnated filter is wound on a take-up reel. When the entire filter roll is consumed, it is discarded and replaced with a fresh roll of filter material. Shutting down the spray booth when the filter cannot automatically advance (either because of system failure or the need for cartridge replacement) ensures that the operator of the spray booth does not fail in his or her task of replacing the filter.

2404.7.8.5 Filter disposal. Discarded filter pads shall be immediately removed to a safe, detached location or placed in a noncombustible container with a tight-fitting lid and disposed of properly.

Fire Marshal Comment

To reduce the possibility of ignition, filters should be disposed of in approved metal containers with tightfitting,

self-closing lids. Waste containers should be removed from the building when full and at the end of each work shift. See also the commentary to Section 2403.4.3 for further discussion of waste disposal.

2404.7.8.6 Spontaneous ignition. *Spray booths using dry filters shall not be used for spraying materials that are highly susceptible to spontaneous heating and ignition. Filters shall be changed prior to spraying materials that could react with other materials previously collected. An example of a potentially reactive combination includes lacquer when combined with varnishes, stains or primers.*

Fire Marshal Comment

Ventilation system filters must be noncombustible. Once fouled with paint or coating residue, the filters become highly combustible. Moreover, they are more susceptible to spontaneous heating. Dry-type overspray collectors or filters of paper or fiberglass construction are more efficient than baffle plates and are frequently used in spray booths containing moderate volumes of work. Replaceable flat or cartridge filters are intended to be discarded once they are significantly loaded with finish residue. See also the commentary to Section 2404.5.1 for further discussion of spontaneous ignition.

2404.7.8.7 Waterwash spray booths. *Waterwash spray booths shall be of an approved design so as to prevent excessive accumulation of deposits in ducts and residue at duct outlets. Such booths shall be arranged so that air and overspray are drawn through a continuously flowing water curtain before entering an exhaust duct to the building exterior.*

Fire Marshal Comment

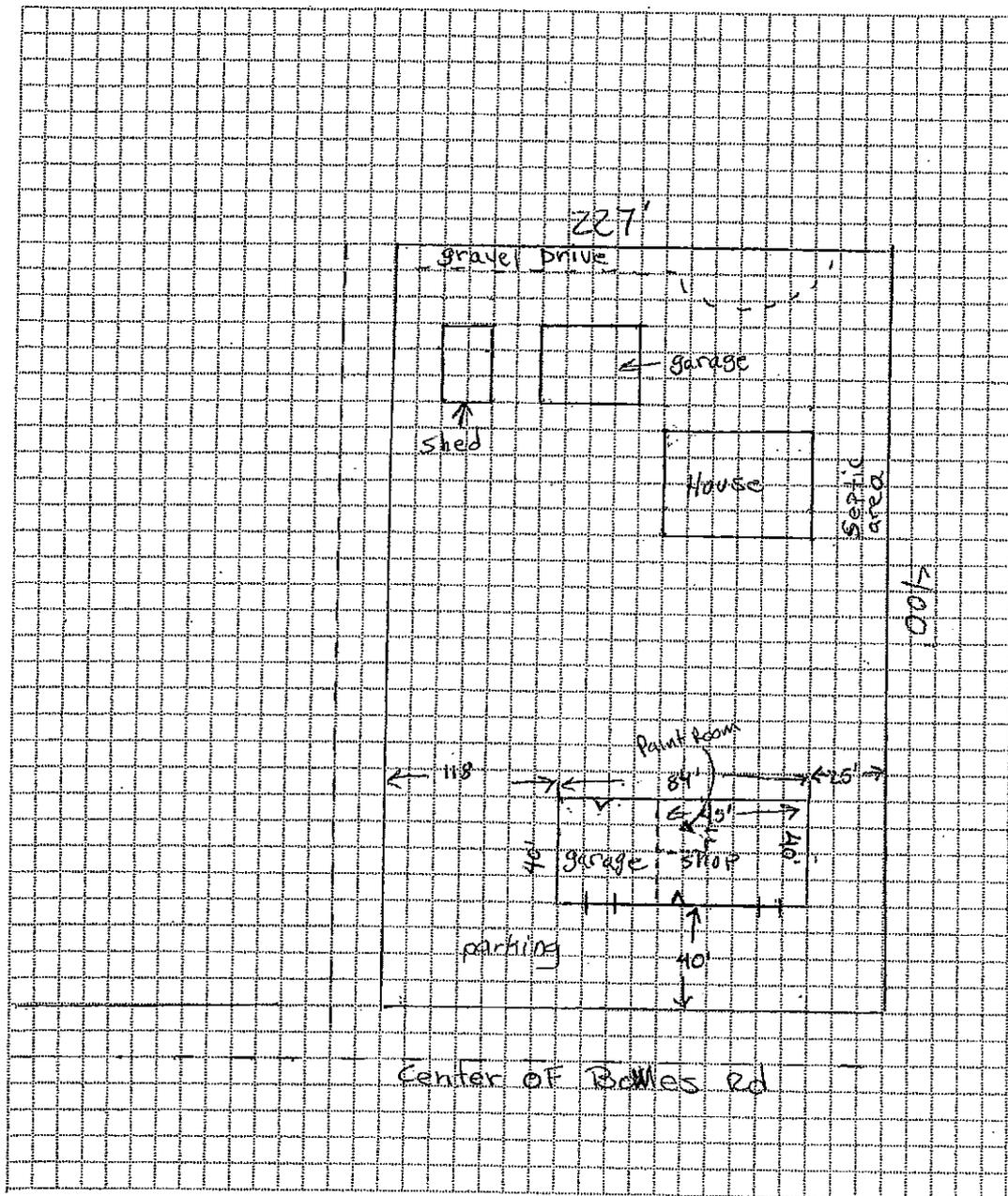
Waterwash booths are typically used for high-volume paint and lacquer usage. Many paints and lacquers are susceptible to spontaneous heating and combustion when left in a poorly ventilated or enclosed area. Materials containing linseed oil are especially prone to this type of reaction. Spray-finishing operations involving these materials should be confined to waterwash booths when possible because water is used as the filtration medium instead of dry filters.

SITE PLAN FOR _____

Scale 1" = 50' or 1" = 100'

Please specify

PLEASE INDICATE NORTH



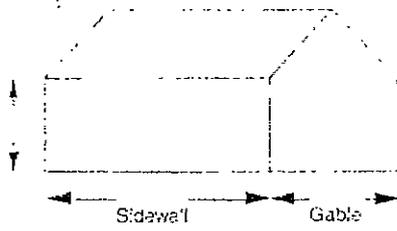
#17395

STEEL STRUCTURES AMERICA, INC.

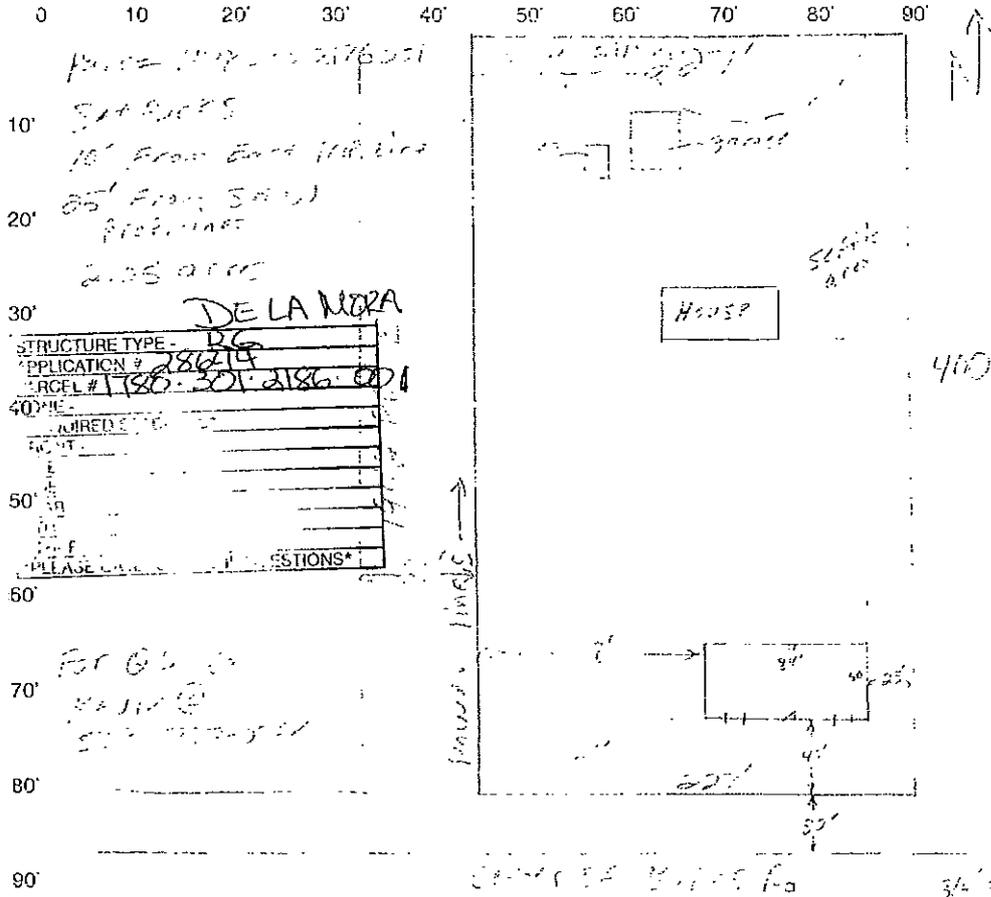
1-800-833-9997

Name _____
 Mailing Address _____
 City _____ State _____ Zip _____
 Job Address _____
 City _____ State _____
 County _____ Zip _____
 Telephone Home _____ Work _____

App: Time _____
Date _____



Building Size _____ x _____



DE LA MORA

STRUCTURE TYPE	RG
APPLICATION #	28679
PERMIT #	180-301-2186-001
REQUIRED	
FRONT	
REAR	
SIDE	
PLEASE CHECK QUESTIONS	

Customer Signature _____

Sales Signature _____

Scale: 3/4" = 50'

SCANNED
02/24/14 ATC

NFPA 1142 Water Supplies for Suburban & Rural Fire Fighting

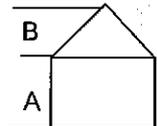
Project: Alan Landin - Powder Coating

Location: 27205 S. 1942 PR SE, Kennewick

Date: 7-7-14

Building Size:					* The height of buildings with gabled roofs is determined by adding half the distance from the peak to the eave line to the exterior wall height.
Width	Length	Sq. Feet	Height*	Bldg Volume	
40	84	3,360	20	67,200	
0	0	0	0	0	
		0		0	
Total Volume				67,200	

Height = A + 1/2B



Minimum Water Supply (Gallons Required) = Volume/Occ Class x Const Class x Exposures									
Bldg Volume	Occ. Haz**	Const** Type	Exposure***	Required Gallons	As a Sprinklered Building, Required Gallons Would Be				
67,200	4	1.5	1	25,200	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Comb. Const</th> <th style="width: 50%;">Non Comb</th> </tr> <tr> <td style="text-align: center;">18,900</td> <td style="text-align: center;">12,600</td> </tr> </table>	Comb. Const	Non Comb	18,900	12,600
Comb. Const	Non Comb								
18,900	12,600								
Occupancy Hazard**					***The number one indicates no building(s) within 50'. Had there been, the 1 would have been replaced with 1.5.				
3 = Severe Hazard Occ		6 = Low Hazard Occ							
4 = High Hazard Occ		7 = Light Hazard Occ							
5 = Moderate Hazard Occ									
Type of Construction**					**Replacing the occupancy or construction values in the above formula with the ones to the left can be used to determined "What if" fire flow questions.				
5 = IBC Type I		Non Combustible Construction							
7.5 = IBC Type II									
1 = IBC Type III & IV		Combustible Construction							
1.5 = IBC Type V									

Tank Capacity in Gallons = Diameter x 3.14 x Diameter/4 x 7.48 gal per cubic foot						
Example: Tank Size-Diameter is 12' and Length is 12'						
Diameter	pi	D/4	Height or Length	Volume	7.48 gals/cuft	Tank/Pond Capacity in Gallons
6	3.14	1.5	12	339	7.48	2,537

Tank Capacity in Gallons = Radius sq x 3.14 x 7.48 gal per cubic foot						
Example: Tank Size-Diameter is 12' and Length is 12' Radius sq x 3.14 x 7.48						
Radius	r squared	pi	height or Length	Volume	7.48 gals/cuft	Tank/Pond Capacity in Gallons
3	9	3.14	12	339	7.48	2,537

Comment: The two above formulas are provided as an aid in determining the size of a tank/pond needed to meet the required fire flow of 25,200 gallons.

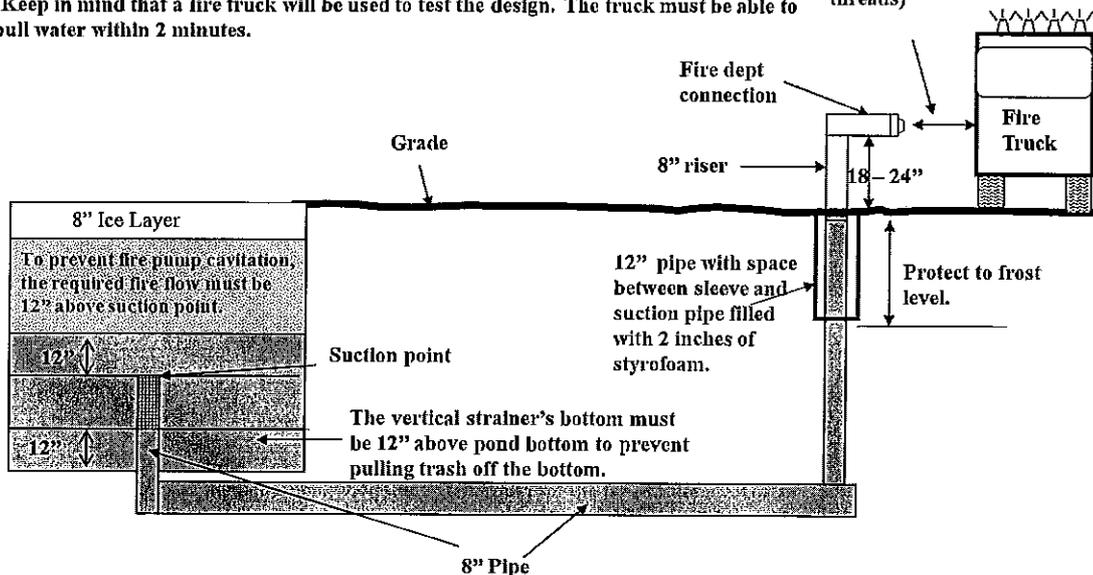
17 of 21

- The forty foot draft limitation is for removing the air from the pipe. If the pipe came out from the bottom of the pond/pool, then the water would fill the pipe to the level of the pond water. This would reduce the column of air within the suction pipe that would need to be removed.

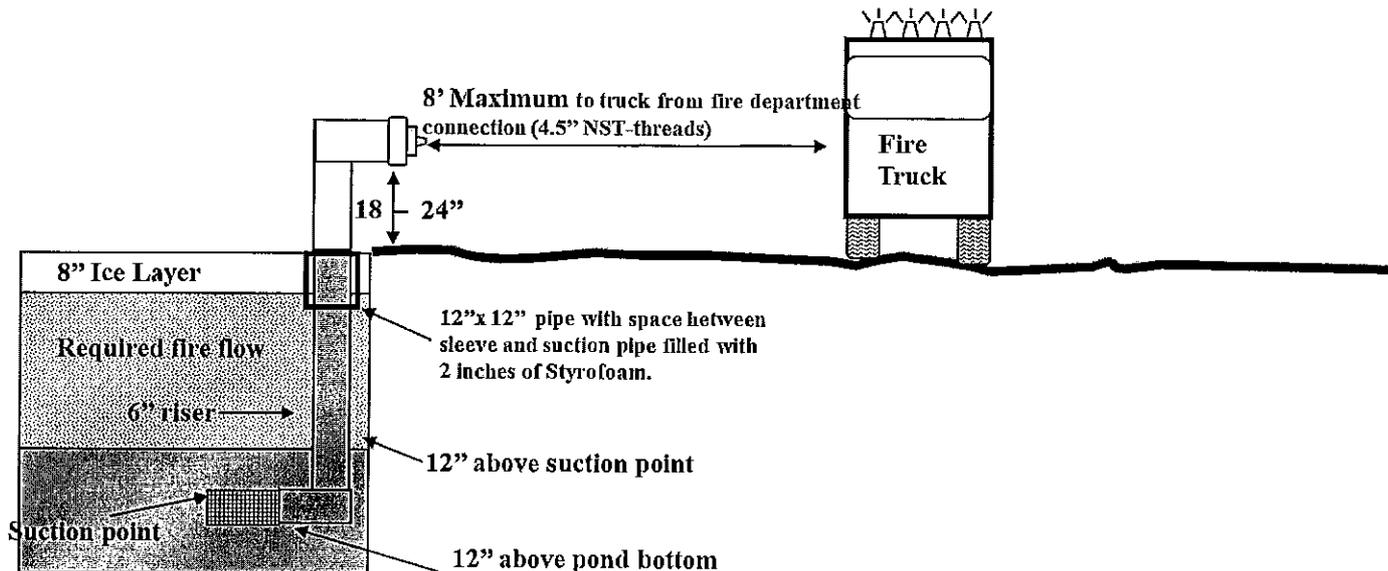
- This design may make it easier in designing the location of the fire department connection which has to be 50 feet from the building. Although this shows a vertical suction point, a horizontal one would work just as well. The critical points are the length of pipe containing the air, and making sure the required volume of fire flow is available.

- Keep in mind that a fire truck will be used to test the design. The truck must be able to pull water within 2 minutes.

8' Maximum to truck from fire department connection (4.5" NST-threads)



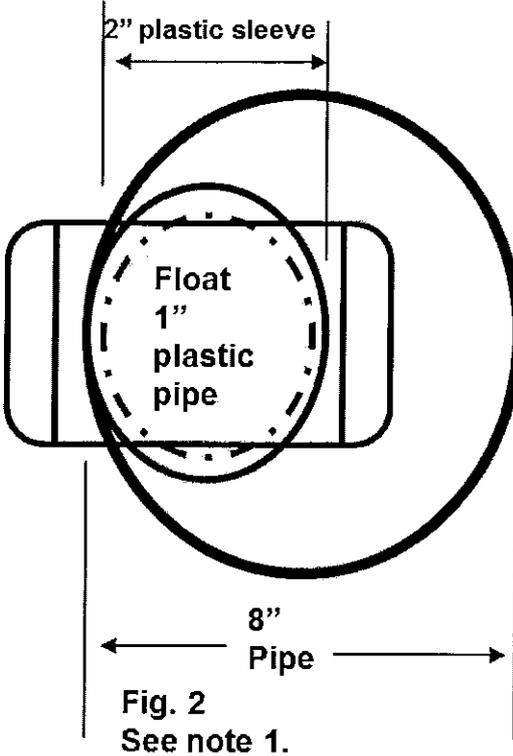
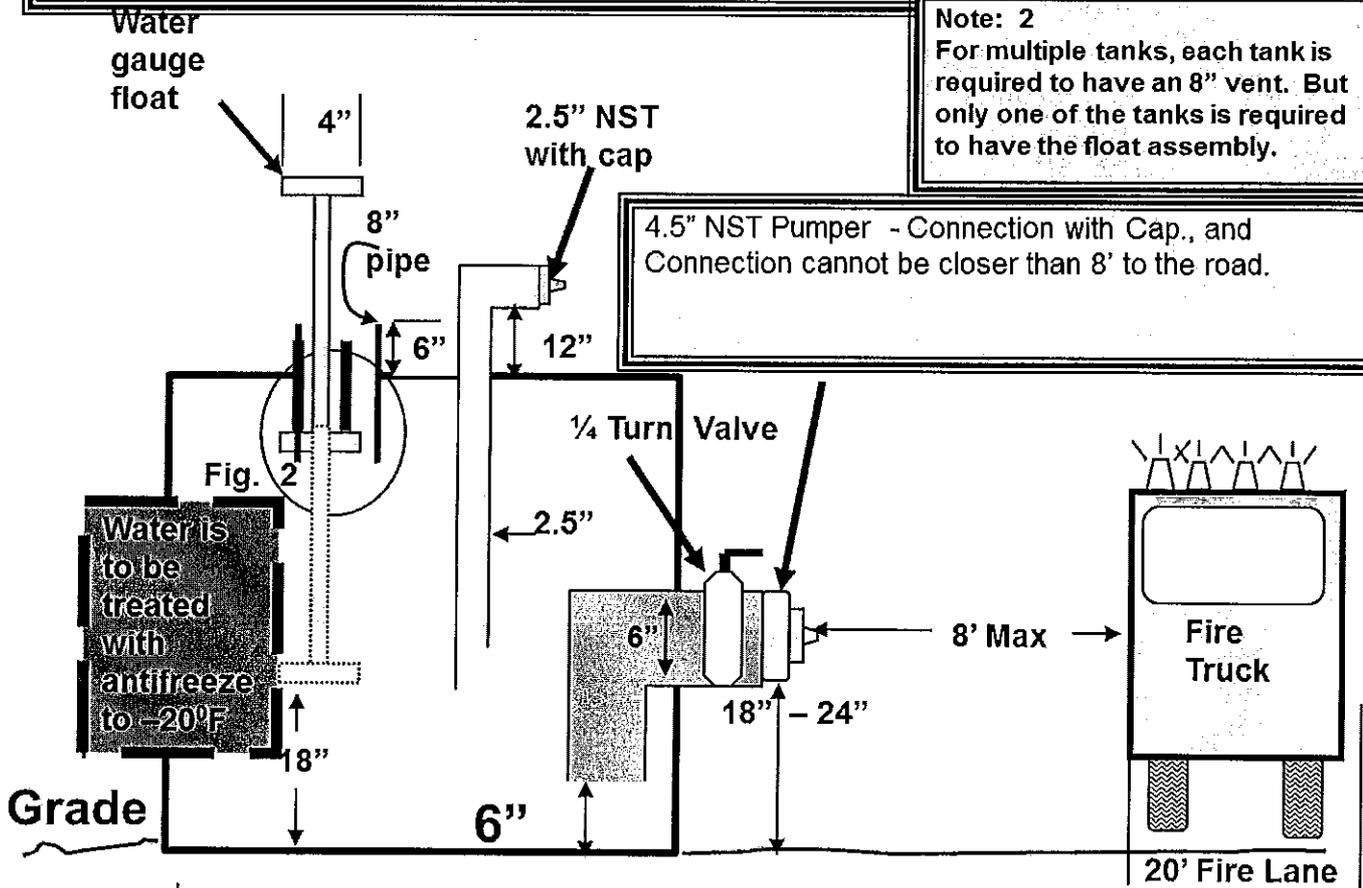
- Keep in mind that a fire truck will be used to test the design. The truck must be able to pull water within 2 minutes.



Benton County Fire Marshal Aboveground Water Tank Storage Standard: January, 2000

Note: 2
 For multiple tanks, each tank is required to have an 8" vent. But only one of the tanks is required to have the float assembly.

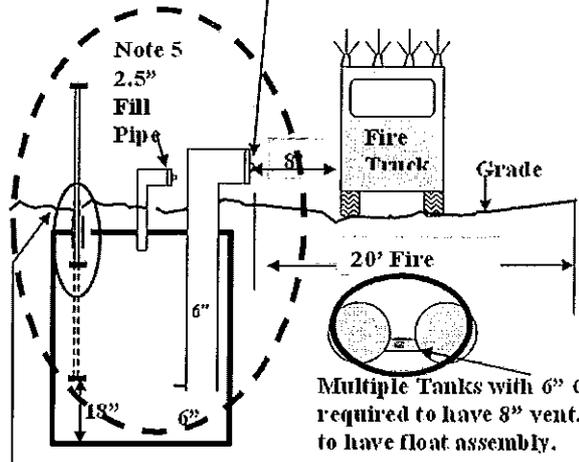
4.5" NST Pumper - Connection with Cap., and Connection cannot be closer than 8' to the road.



Note: 1
 The eight inch plastic vent pipe, and the float assembly should be put together outside the tank. Once this is done, then attached to the tank. It is suggested that this assembly be done with vandalism in mind. For if the float is damaged, it will need to be replaced. Capping the ends of the "T's" traps the air, and will cause the float to float. The float is to be constructed of Class 200 PVC pipe or lighter material. The 2" sleeve will need to extend one inch above and below the 8" vent pipe. The 1" float will float up to the bottom of the 2" pipe indicating a full tank. The length of the float will need to be within 1' of the bottom of the tank, and when within 18" of the tank's bottom, the top "T" will rest on the 2" sleeve.

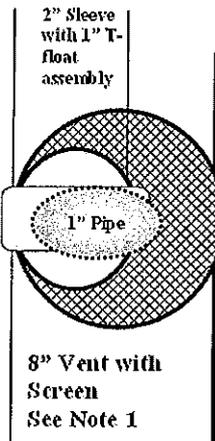
**Benton County Fire Marshal Underground Water Tank Storage Standard:
January 2000**

Important See Notes 2, 3, & 4 Pumper Connection



Prior to placing the tank in the ground, contact with this office is to be made so that the location and tank size can be approved.

Multiple Tanks with 6" Connection: Each tank is required to have 8" vent. But only one tank is required to have float assembly.



- Notes**
1. It is suggested that the 3" Plastic vent pipe and the float assembly be put together outside the tank. Then connect it to the tank. If the float is damaged it will need to be replaced. 100-schedule pipe or lighter material is to be used in constructing the float assembly. The 2" sleeve is to extend at least 1 foot above the ground. The length of the float must be designed so that when the bottom "T" is within 18" of tank's bottom, the top "T" will rest on the 2" sleeve. This will leave a safety margin of 1 ft of water.
 2. The pumper connection must have a cap. The 4.5" pumper connection is to be a male connection. The threads are to be National Standard. This is the same dimension as a standard steamer port on a fire hydrant.
 3. The vertical pipe for the pumper connection must extend within 6" of tank's bottom. But the overall length as measured from the middle of the male pumper connection cannot exceed 12 ft.
 4. The center of the pumper connection is to be between 18" and 24" above grade.
 5. The fill pipe must have a cap. The fill pipe connection is to be a male, and the threads are to be National Standard. The center of the fill pipe connection is to be between 18" and 24" above the grade.

Carel Hiatt

BOAM 1.5

From: Lila Freshment <lfreshment@columbiairrigation.com>
Sent: Wednesday, July 02, 2014 3:59 PM
To: Planning Department
Subject: RE: Utility Review Letter for Adan Landin

CID has no comments.

Thank you,

Lila Freshment

Accounts Payable
Columbia Irrigation District
10 E Kennewick Avenue
Kennewick, WA 99336
Phone: (509) 586-6118
Fax: (509) 586-0485
lfreshment@columbiairrigation.com

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Wednesday, July 02, 2014 8:47 AM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Ken Williams; Dale Wilson; Lila Freshment; Karen Steinbock; gcle461@ecy.wa.gov; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Washington State Dept. of Health ; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org); Lonnie@bentonone.org; Dale Wilson; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith
Subject: Utility Review Letter for Adan Landin

Please review and submit comments pertaining to this Utility Review Letter. If you have any questions, please contact the Benton County Planning Department.

Thank you

Benton County Planning Department
P O Box 910
Prosser, WA 99350
Tel: 509-786-5612 – Prosser
Tel: 736-3086 – Tri-Cities
Fax: 509-786-5629

RECEIVED

JUL 7 2014

Benton County
Planning Department



07/03/2014

Benton County Planning Department
PO Box 910
Prosser, WA 99350

Re: BPUD Response, Utility Review Letter for Adan Landin

Dear BCPD:

Please forward this letter to the Developer/Owner of this property. This letter is a follow up to your request for electrical service to your new project. Thank you for deciding to build in our service area. There are several items we will need from you to begin the electrical design for your project. These items include:

- a) Detailed Site Plan
- b) Service address
- c) Contact person for this project, including mailing address for all correspondence
- d) Type of heating/cooling system (heat pump, forced air, gas, etc.) for subdivision
- e) Proposed start date of project or date service is required.
- f) Copy of property deed, including the tax parcel identification number.

Our design process will not begin until we have received all of the above items. Upon receipt of these items, we will use them to plan an electrical design to serve your project. After completion of the design, a packet will be mailed to the designated contact person. Any items requiring follow up (such as fees, application for service, easements, and developer's agreement, etc.) will be included in this packet. If one or more of these items are required, we will need the item(s) returned to us before the job is scheduled.

Design of large projects can take up to six weeks. Construction on these projects may take up to twelve weeks. The delivery of materials for the project can take six months. In some cases system outages are required and construction periods may be restricted to certain times of the year.

Thank you again for your inquiry. If you have further questions, please call me at (509)582-1271.

Sincerely,

A handwritten signature in black ink, appearing to read "Ricky L. Sunford".

Ricky L. Sunford
Distribution Design Technician

RLS:jlw

c: Adan Landin, 27205 S 1942 Pr SE, Kennewick, WA 99337

RECEIVED

JUL 7 2014

Benton County
Planning Department



July 7, 2014

Benton County Planning Department
P O Box 910
Prosser, WA 99350

RE: Conditional Use Permit – CUP 2014-004
27205 S. 1942 PRSE, Kennewick, WA
SP 2186, Lot 1, 1-1780-301-2186-001

To whom it may concern,

This office has reviewed the above referenced proposal and has no objections provided:

- 1) The business is served by an approved public water supply in accordance with WAC 246-291 and Benton-Franklin District Board of Health Rules and Regulations No. 7.
- 2) The dwelling is served by on-site sewage disposal system that is permitted, installed and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2 for the intended use.
- 3) The on-site sewage disposal system and drainfield replacement area is protected against having vehicles driving over it or parking on it.

Sincerely,



JoDee A. Peyton, R.S.
Environmental Health Specialist II

RECEIVED

JUL 8 2014

Benton County
Planning Department

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

July 9, 2014

RECEIVED

JUL 9 2014

Benton County
Planning DepartmentClark Posey
Benton County Planning
P.O. Box 910
Prosser, WA 99350

Re: CUP 2014-004

Dear Mr. Posey:

Thank you for the opportunity to comment on the notice of application for the operation of a metal fabrication business, proposed by Adan Landin. We have reviewed the application and have the following comment.

HAZARDOUS WASTE & TOXIC REDUCTION

When metal fabricating and painting components, it is important to collect, designate and dispose of generated waste streams as per Chapter 173-303 *The Dangerous Waste Regulations*, http://www.ecy.wa.gov/programs/hwtr/reg_comp_guide/173-303.HTM . For the metal fabrication, associated dangerous waste could include machine oils and cleaning fluids, sand blasting. For painting process, associated dangerous wastes could include spent sandblasting media, waste solvent-based paints and spent paint thinner or solvents. For both processes, choosing products that don't contain hazardous substances can prevent the generation of dangerous wastes. Other recommended practices to prevent the generation of dangerous waste include, recycling metal scrape wastes, scrap waste from electrical components, spent batteries, and fluorescent lamp wastes.

Ecology's Hazardous Waste & Toxics Reduction Program, Central Region offers technical assistance to help identify process products that contain hazardous substances and non-hazardous alternatives, potential generation of dangerous waste, pollution prevention techniques, and sustainable practices. The following webpage -

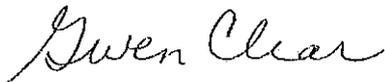
- Identify the tools and guidance for the applicant's convenience:
<http://www.ecy.wa.gov/programs/hwtr/index.html>
- Pollution prevention and sustainability resources:
<http://www.ecy.wa.gov/programs/hwtr/reducewaste.html>

Mr. Posey
July 9, 2014
Page 2

- Green Building and environmentally preferred purchasing guidance:
http://www.ecy.wa.gov/programs/hwti/reg_comp_guide/173-303.HTM

Holly Cushman with the Department of Ecology Hazardous Waste & Toxics Reduction Program is available for technical assistance: (509) 575-2724 or email to hcus461@ecy.wa.gov.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012



BENTON COUNTY
PLANNING
DEPARTMENT

SECTION 17, TOWNSHIP 8 NORTH, RANGE 30 EAST, W.M.
CONDITIONAL USE PERMIT # 2014-04
ADEN DELAMORA 1-1780-301-2186-001
MAP PRINTED: JULY 1, 2014

Benton County does not warrant, guarantee, or
accept liability for accuracy of the information shown
herein. This information is a product of the Benton County
Geographic Information Systems and is prepared
for presentation purposes only.

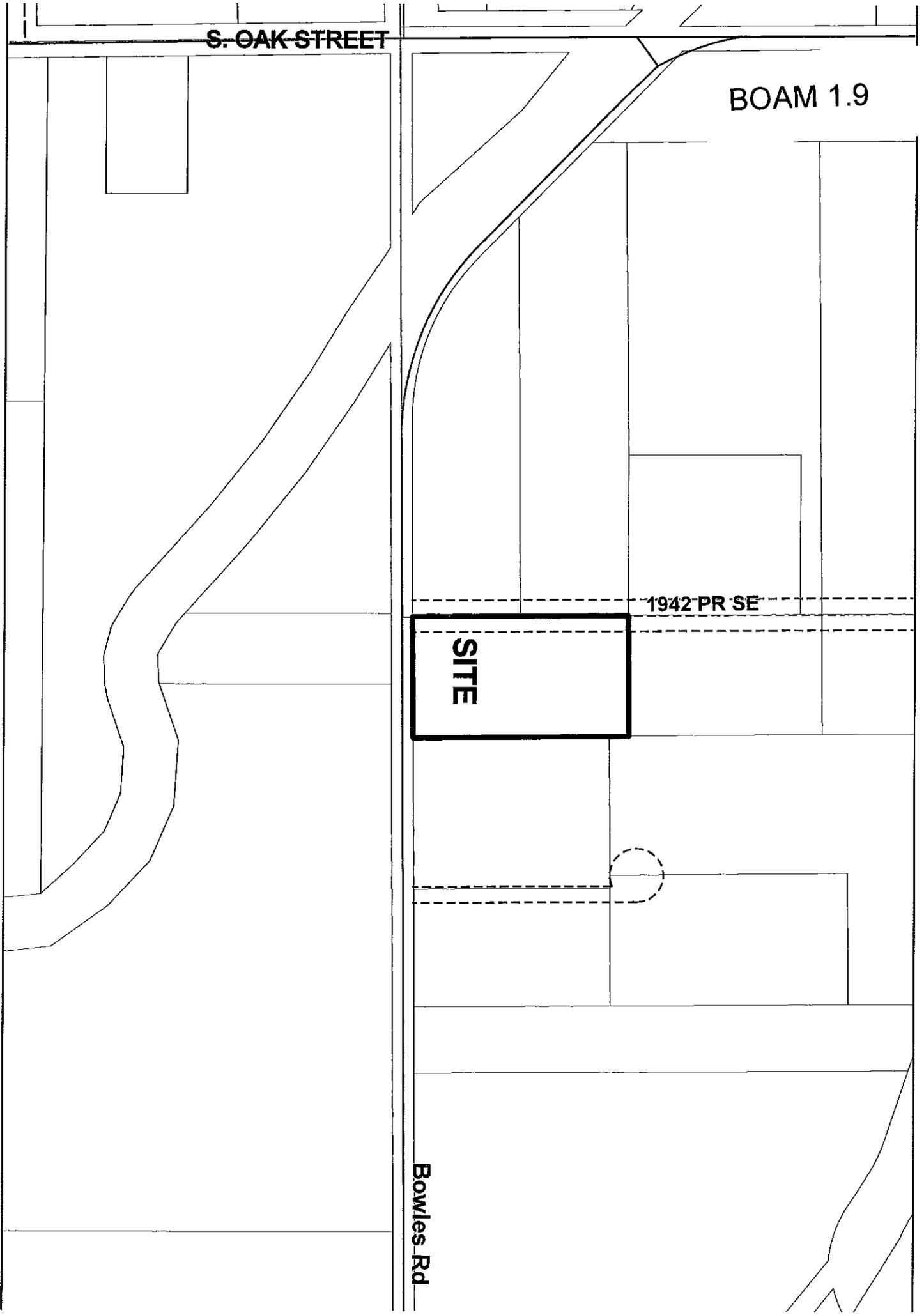
S. OAK STREET

BOAM 1.9

1942 PR SE

SITE

Bowles Rd



From: Jeff Liner
Sent: Tuesday, July 22, 2014 2:57 PM
To: Planning Department
Subject: RE: Utility Review Letter for Adan Landin

If the Parking Area is being accessed directly from Bowles Road they need to have a Commercial approach 96-05 if the Traffic for the Business is accessing it from the Private Road then disregard.

Thanks,

Jeff Liner

Engineer II
Benton County Public Works
509-786-5611 Local
509-736-3084 Tri Cities

From: Planning Department
Sent: Wednesday, July 02, 2014 8:47 AM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Ken Williams; Dale Wilson; Columbia Irrigation District; Karen Steinbock; gcle461@ecy.wa.gov; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Washington State Dept. of Health ; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org); Lonnie@bentonone.org; Dale Wilson; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith
Subject: Utility Review Letter for Adan Landin

Please review and submit comments pertaining to this Utility Review Letter. If you have any questions, please contact the Benton County Planning Department.

Thank you

Benton County Planning Department
P O Box 910
Prosser, WA 99350
Tel: 509-786-5612 – Prosser
Tel: 736-3086 – Tri-Cities
Fax: 509-786-5629



BOAM 1.11

SECTION 17, TOWNSHIP 8 NORTH, RANGE 30 EAST, W.M.
CONDITIONAL USE PERMIT # 2014-04
ADEN DELAMORA 1-1780-301-2186-001
MAP PRINTED: JULY 1, 2014

Benton County does not warrant, guarantee, or
accept liability for accuracy of the information shown
herein. This information is a product of the Benton Coun
Geographic Information Systems and is prepared
for presentation purposes only.



SITE

1942 PR SE

S. OAK STREET

Bowles Rd

BOAM 1.12

7-21-2014



BOAM 1.13

7-21-2014

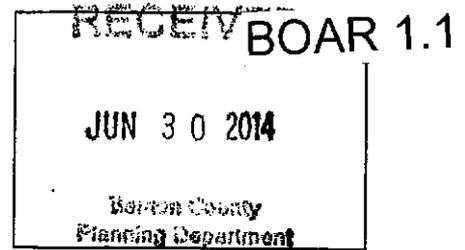


BOAM 1.14



7-21-2014

**BENTON COUNTY PLANNING DEPARTMENT
 CONDITIONAL USE/SPECIAL PERMIT APPLICATION
 FILE NO. CUP 2014-004**



1. Applicant Name Adan Landin D
 Applicant Address: 27205 S 1942nd PR SE Kennewick wa 99337
 Telephone number: Home 832-799-0066 Work ~~832-799-0066~~ 509-551-5709

2. Legal owners name: Adan Landin Delamora.
 Legal Owners address: 27205 S 1942nd PR SE Kennewick wa 99337
 Telephone number: Home (832) 967-3218 Work Adan's phone #

3. Parcel Number or Legal description of property for which permit is for: 1-1780-301-2186-001 2.05 AC

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

5. The Conditional Use/Special Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.** We are making fences of metal and rails for houses, gates and wire markers. Also we paint the product we use to paint and we powder coat them in a oven.
Building Permit 28644 1/7/2014

6. The property will be served by:
 WATER: Well Private System City System _____
 SEWER: Septic Tank City Sewer _____
 POWER: PUD REA _____
 PHONE: Yes No _____ Name of Utility _____
 GAS: Yes No _____ Name of Utility _____
 CABLE: Yes No _____ Name of Utility _____
 IRRIGATION: Yes No _____ Name of Utility _____
 PRIVATE IRR. Yes _____ No _____

7. Total acres of property: 2.05 Zoning Classification of Property: R25
 Comprehensive Plan Designation Rural

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: 3 bed room house, one shed, and one garage.

9. Describe existing structures and present land uses in the surrounding area of your property: residential and pasture.

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

- a. Is there a residence on site? Yes No _____
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes No _____
- c. Does at least one of the proprietors live in said residence? Yes No. _____
- d. List the number of non-resident employees. 2
- e. What is the **total** square footage of the detached building to be used for the business? 1800 #
- f. What is the **total** square footage that will be used for the business activity? 1800 #
- g. Is only one detached building to be used for the business activity? Yes No _____
- h. Are any signs going to be used with the business activity? Yes No _____
If Yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. 2 small signs. OR 1 ON Building
- I. State the number of vehicles marked to identify the business to be stored on site. 3 trucks
- j. List the number of off street parking spots ALL Parking will be OFF Road
- k. What County Road does the site access off of? BOULEVARD ROAD
- L. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week Mon - Sat
Hours of Operation 8am - 6pm

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

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

Signature Block for individuals only.

Adan Landin
Applicant's Signature

Adan Landin
Print Name

6-26-14
Date

Adam Landine
Signature of Legal Owners

Adam Landine
Print Name

6-26-14
Date

Signature of Person with additional
ownership interest

Print Name

Date

If the applicant is a corporation/partnership/LLC etc. please use the following signature block.

Applicant: _____

By: _____
(print name) (Title)

Signature: _____
(Signature) (Title)

The above signed officer of _____ warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit _____ (name of entity) to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

Note: The Conditional Use/Special Permit Application fee of \$250.00 and the \$100.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

5/23/11

FOR OFFICIAL USE ONLY:

Critical Area Review Completed by Jack Posey on 7/1/2014

Application approved for processing by Jack Posey on 7/1/2014

Zoning RL5 Comp Plan Designation _____

SITE PLAN FOR _____
Scale 1" = 50' or 1" = 100'
Please specify

PLEASE INDICATE NORTH

BOAR 1.2

