

**CONDITIONAL USE
PERMIT**

CUP 2014-002

APPLICANT

WALT

MEGALSSON

**EXHIBIT LIST FOR CUP 2014-002
APPLICANT: WALT MEGLASSON**

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	April 11, 2014
	BOAM 1.2	Notice of Open Record Hearing	April 9, 2014
	BOAM 1.3	Benton PUD Comments	March 21, 2014
	BOAM 1.4	Benton County Fire Marshal's Comments	March 21, 2014
	BOAM 1.5	Kennewick Irrigation District Comments	March 26, 2014
	BOAM 1.6	Department of Ecology Comments	March 27, 2014
	BOAM 1.7	Benton County Public Works Comments	March 31, 2014
	BOAM 1.8	Benton Clean Air Comments	April 7, 2014
	BOAM 1.9	Kirk Galbraith – River Blossom Farm, Inc. Comments	April 14, 2014
	BOAM 1.10	Kirk Galbraith – River Blossom Farm, Inc. Comments	April 17, 2014
	BOAM 1.11	Klipson Vineyards – David Gilles Comments	April 17, 2014
	BOAM 1.12	Klipson Vineyards – David Gilles Comments	April 17, 2014
	BOAM 1.13 to BOAM 1.17	Pictures of the site taken by the Benton County Planning Department	April 16, 2014
	BOAM 1.18	Benton Co. Public Works picture of site	March 24, 2014
	BOAM 1.19	Vicinity Map	March 19, 2014
	BOAM 1.20	Benton County Public Works Comments	March 24, 2014
	BOAM 1.21	Teresa R. Anderson/Dale K. Blank Trustees Comments	April 17, 2014
	BOAM 1.22	Ron/Sharon Shippy Comments	April 21, 2014
	BOAM 1.23	J.D/JoAnn Krause Comments	April 19, 2014
BOARD OF ADJUSTMENT RECORD EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit Application	March 13, 2014
	BOAR 1.2	Site plan submitted by the applicant	March 13, 2014
	BOAR 1.3 to BOAR 1.4	Pictures of the site submitted by the applicant	March 13, 2014
BOARD OF ADJUSTMENT HEARING EXHIBIT LIST MAY 1, 2014			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAH 1.1		

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: APRIL 11, 2014

MEETING DATE: MAY 1, 2014

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: CONDITIONAL USE PERMIT APPLICATION CUP 2014-002

**APPLICANT/
PROPERTY OWNER:** WALT MEGGLASSON
54005 NORTH DEMOSS ROAD
BENTON CITY, WA 99320

SPECIFIC REQUEST

The applicant, Walt Meglasson, is requesting a conditional use permit for the crushing of concrete waste existing on site. This material needs to be removed from the current stockpile area along the East side of Demoss Road in the old railroad right-of-way.

BACKGROUND

Site Location: The site is located along the eastern right-of-way of North Demoss Road, being the old BNSF railroad right-of way in Benton City, WA 99320 in the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 27 East, W.M.

Land Use: The site is currently undeveloped. The surrounding properties are developed with single family residential homes, vineyards, orchards and pastures.

Zoning: The site and surrounding properties are zoned Rural Lands 5; properties to the East are zoned Growth Management Act Agriculture (GMA AG) and currently in grape production.

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding properties as Rural Lands 5 with the properties to the East being zoned GMA AG.

State Environmental Policy Act: Conditional Use Permit Application CUP 2014-002 is categorically exempt from the requirements of the Washington State Environmental Policy Act.

APPLICABLE DEVELOPMENT REGULATIONS

The Benton County Code Section 11.16A.06 (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. Benton County Code Section 11.52.090(a) states:
"Conditional Use/Special Permit General Standards. The conditional use/special permit application process allows the Board of Adjustment to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Board of Adjustment to ensure development in each zoning district protects the integrity of that district. The notice, hearing, decision and enforcement procedures are as set forth herein and in BCC 11.52.089.

Certain uses are classified as conditional uses/special uses because of their unusual nature, infrequent occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure or adjacent properties, and/or possible safety hazards and other similar reasons.

Once granted, a conditional use/special permit may be transferred by a holder thereof after written notice to the Board of Adjustment; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in BCC 11.52.070."

3. Benton County Code Section 11.52.090(d) states:
"Conditional Use/Special Permit—Permit Granted or Denied. A conditional use/special permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment to conclude that, as conditioned, the proposed use:
 - (1) is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
 - (2) will not materially endanger the health, safety, and welfare of the surrounding community to an extent

greater than that associated with any other permitted uses in the applicable zoning district;

- (3) would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (4) will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;
- (5) would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district; and

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

FINDINGS OF FACT

Based on the application and information received the planning staff makes the following findings.

1. The applicant/property owner is Walt Meglasson 54005, North Demoss Road, Benton City, WA 99320
2. The applicant has applied for a Conditional Use Permit to crush the existing stockpiled concrete on the old railroad right-of-way on the east side of Demoss Road.
3. The notice for the Benton County Board of Adjustment Open Record Hearing for Conditional Use Permit application CUP 2014-002 was published on April 14, 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 May 1, 2014.
4. The applicant has and must maintain the needed Operating Permit from Benton Clean Air Authority for the operation of his portable rock crusher.
5. The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands 5".

6. The uses of the surrounding properties are used for vineyards, orchards and single family residential structures.
7. The applicant has a portable rock crusher currently on site. Any use approved must be compatible with the principal uses of the underlying zone and surrounding land uses.
8. The surrounding area is not completely developed. Crushing the stored concrete shown in the application, being short term, would not hinder or discourage the development of outright permitted uses on neighboring properties in the Rural Lands 5 Zoning District as a result of the location, size, noise and dust of the proposed use.
9. Review notices were sent to the Benton County Public Works Dept. Benton Franklin Health District, Benton County Fire District No. 1, Benton County Building Dept., Benton County Fire Marshal, Washington State Department of Health, Kennewick Irrigation District, Department of Ecology, Benton County Code Enforcement, Benton Clean Air Authority, Department of Natural Resources, **City of Benton City, Department of Fish/Wildlife, Bureau of Reclamation, Bureau of Land Management, Office of Archeology/Historic Preservation, Department of Agriculture, Natural Resource Conservation District and U.S. Corps of Engineers.** Comments from reviewing agencies and from surrounding property owners are attached to this memo.
10. **The applicant has requested that the hours of operation be Monday through Friday with hours of operation recommend 8:00 a.m. to 6:00 p.m. No weekend activity is being requested for this site or will be allowed.**
11. This may impact the agriculture activities in and on the surrounding properties. The neighbors have requested that this activity take place after harvest is over so not to harm the fruit produced from vineyards and orchards.
12. No further material will be allowed to be brought onto the property and stockpiled or recycled. If approved, all concrete materials existing on site and that has been imported must be removed.
13. Crushing activity will be limited to the existing concrete currently stockpiled on site.

Crushing the concrete material should have a time limit and should stop once the crushing of the concrete is completed.

The Board may want to place a time limit on how long they give Mr. Meglasson to crush and dispose of the concrete.

DISPOSITION OF THE APPLICANT'S REQUEST

A conditional use/special permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment to conclude that, as conditioned, the proposed use:

- (1) is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- (2) will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (3) would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (4) will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;
- (5) would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district;

CONDITIONS OF APPROVAL

If the Board of Adjustment decides to approve Conditional Use Permit Application 2014-002, 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 2014-002 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 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. The applicant provides a dust control plan as required under WAC 173-400-040(8)(a) and approved by the Benton Clean Air Authority. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-002 is in effect.
4. That the presence of customers/clients and non-resident employees at the business activity shall be limited to Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m. as stated in the application. No weekend operation of equipment or the crusher will be allowed. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-002 is in effect.
5. That the property owner/proprietor(s) shall comply with all the requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, and all other local, state and federal regulations pertinent to the 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. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-002 is in effect.
6. That any waste created as a result of the conditional use permit must be disposed of off-site in compliance with all local, state and/or federal regulations.
7. Crushing of the existing concrete should have a time limit and should stop once this activity is finished. No further activities have been approved for this parcel under this conditional use permit. Applicant is only to crush and clean up the existing concrete materials during this cleanup.
8. No new concrete, recycled materials or construction waste materials are to be brought onto the site.
9. Crushing activity shall take place from October 30 to March 15 only.

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 2014-002 – The applicant is requesting a conditional use permit for the crushing of concrete waste existing on site. This material needs to be removed from the current stockpile area along the East side of Demoss Road. The application was submitted on March 13, 2014 and deemed complete for processing on March 17, 2014. The site is located along the eastern right-of-way of North Demoss Road, Benton City, WA 99320 in the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 27 East, W.M. Applicant: Walt Meglasson

VARIANCE REQUEST – VAR 2014-001 – The applicant is requesting a variance from BCC 11.52.060(3) to allow access to a single parcel of land on a 5.2 acre site that does not have a perpetual, non-exclusive access easement. Access across the United States Department of the Interior – Bureau of Land Management property is needed for an ingress and egress right-of-way. The application was submitted on March 27, 2014 and deemed complete for processing on March 27, 2014. The site is located in the West Half of the Northwest Quarter of the Northeast Quarter, lying westerly of the canal in Section 18, Township 8 North, Range 28 East, W.M. Applicants: Tyler/Eva Tapani.

CONDITIONAL USE PERMIT – CUP 2014-001 – The applicant is requesting a conditional use permit for the operation of the following business to be conducted on the same site (1) vehicle and furniture upholstery repair business and (2) a retail tool sales business. The application was submitted on March 4, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

VARIANCE REQUEST – VAR 2014-002 – The applicant is requesting a seven (7) foot variance to BCC 11.16A.080(4) which is a setback of ten (10) feet from the sideyard property line for the location of an existing storage container. The application was submitted on April 2, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

NOTICE IS GIVEN that said application(s) will be considered by the Board of Adjustment of Benton County, Washington at the public hearings on **Thursday, May 1, 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 9th day of April, 2014.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

A handwritten signature in black ink, appearing to read "Clark A. Posey", written over a horizontal line.

CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Monday, April 14, 2014

Carel Hiatt

From: David Smith <smithd@bentonpud.org>
Sent: Friday, March 21, 2014 10:43 AM
To: Planning Department
Subject: RE: Agency Review Letter on CUP 2014-002 Walter Meglasson

No comment

From: Planning Department [mailto:Planning.Department@co.benton.wa.us]
Sent: Friday, March 21, 2014 9:04 AM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; FIRE DISTRICT NO. 1; Ken Klander; Kennewick Irrigation District (bwoodard@kid.org); Ben Franklin Transit; Ben Franklin Transit; Dept. of Natural Resources ; Dept. of Natural Resources; Dept. of Natural Resources; Dept. of Natural Resources; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Rick Sunford; Jeff Vosahlo; David Smith; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Department of Ecology; Dept. of Ecology, Donna Bunten
Subject: Agency Review Letter on CUP 2014-002 Walter Meglasson

Attached to this email is a copy of the Agency Review letter, application, pictures and maps of the area. Please review these documents and submit comments within seven days if possible. If additional time is need or if there are questions or concerns with regards to this conditional use permit, please contact Clark A. Posey, Senior Planner at 509-786-5612 or email clark.posey@co.benton.wa.us If you just have comments please send them to planning.department@co.benton.wa.us

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

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

RECEIVED

MAR 21 2014

Benton County
Planning Department

Benton County Fire Marshal's
Review of Proposed Planning Applications

BOAM 1.4

TO: Clark Poesy

CUP 14-02

Date Received 3-20-14 Date Returned 3-21-14

Comments: Walt Meglasson, 54005 N. DeMoss road, Benton City, H-588-5680, w-539-3274 proposes to crush several piles of concrete into 3" minus chunks on parcel 1-8972-000-0000-003.

Fire Marshal's Comments:

No requirements for crushing concrete

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MAR 21 2014

Benton County
Planning Department



Carel Hiatt

From: Daniel Tissell <DTissell@kid.org>
Sent: Wednesday, March 26, 2014 10:33 AM
To: Planning Department
Subject: RE: Agency Review Letter on CUP 2014-002 Walter Meglasson

KID has no comment regarding this matter.

Daniel Tissell
Staff Engineer
Kennewick Irrigation District
12 W. Kennewick Avenue
Kennewick, WA 99336
(509) 586-9111

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Friday, March 21, 2014 9:04 AM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; FIRE DISTRICT NO. 1; BENTON PUD; Ben Woodard; Ben Franklin Transit; Ben Franklin Transit; Dept. of Natural Resources ; Dept. of Natural Resources; Dept. of Natural Resources; Dept. of Natural Resources; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Department of Ecology; Dept. of Ecology, Donna Bunten
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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

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MAR 26 2014

Benton County
Planning Department



BOAM 1.6

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 27, 2014

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

Re: CUP 2014-002

Dear Mr. Posey:

Thank you for the opportunity to comment on the notice of application for the crushing of a concrete stockpile, proposed by Walt Meglasson. We have reviewed the application and have the following comment.

WATER QUALITY

Please note that concrete crushing has a high PH runoff. Therefore, the following is applicable.

Sand and Gravel Operations

Site Permit Coverage. Ecology requires site permit coverage under the Sand and Gravel General Permit for all owners (or operators) of stationary asphalt or concrete batch plants. In addition, concrete products manufacturers and property owners (or operators) of sand and gravel pits, rock quarries, and asphalt/concrete recycling facilities must apply for **site** permit coverage under the Sand and Gravel General.

Sand and Gravel Permit Portable Facilities Coverage. Owners or operators of *portable* facilities that crush, manufacture ready-mix concrete or concrete blocks/bricks, or manufacture asphalt/tar paving mixtures and blocks must apply for coverage under the sand and gravel permit for portable facilities if the plant will operate at sites without sand and gravel permit coverage for crushing, asphalt paving, or concrete ready-mix. This permit for portable facilities does not provide permit coverage for excavating or digging.

Permit coverage requires a site management plan (SMP). The SMP includes Best Management Practices (BMPs) for preventing water pollution. The SMP consists of

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MAR 31 2014

Benton County
Planning Department

Mr. Posey
March 27, 2014
Page 2

monitoring, erosion sediment control, spill, and stormwater pollution prevention plans. For information about the requirements of the SMP including BMPs, read pages 18 to 25 of the permit at <http://www.ecy.wa.gov/programs/wq/sand/documents/sandpermit081711.pdf>.

Wastewater management (industrial storm, process, and mine dewatering water). Any ditch, channel, impoundment or other BMP for routing or containing water must be designed, constructed, and maintained to contain the 10 year 24 hour storm event.

Permit coverage requires a plan review. Prior to constructing or modifying any wastewater control facilities, including piping, vehicle/equipment wash water treatment, and lined impoundments, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology.

Permit applications are at <http://www.ecy.wa.gov/programs/wq/sand/permit.html>. The proponent may download the application form and instructions for site coverage by clicking "Application for Coverage." For portable facilities coverage click "Application for Coverage – NEW Portables." If the proponent does not have internet access, the proponent may call Cindy Huwe at (509) 457-7105 for application materials. It can take up to 45 days to issue the permit for a portable crusher or concrete/asphalt batch plant and much longer to issue a site permit.

Sincerely,



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

Donna Hutchinson

From: Jeff Liner
Sent: Monday, March 31, 2014 1:50 PM
To: Planning Department
Subject: RE: Agency Review Letter on CUP 2014-002 Walter Meglasson

We have Several Comment for CUP 2014-002. They are regarding Demoss Road and the safety of passing traffic.

- 1: Crushed material is to be stored in a way that ensures none of it will slide onto Demoss Road
- 2: Dust control shall be maintained so that there is no sight distance problems on Demoss road.
- 3: We have concerns that the existing stockpile and ecology blocks poses a potential hazard to motorists on Demoss Road. The material is stacked at such a height and proximity to Demoss Road that any disturbance could result in large amounts of concrete debris falling into the road right-of-way or directly onto the roadway itself. We would recommend that the owner provide traffic control to move the debris safely away from the overhang prior to crushing to ensure public safety on Demoss Road. This removal/relocation of debris should be confirmed by this office prior to the start of crushing.

Benton County
Planning Department

APR - 1 2014

RECEIVED

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

From: Planning Department
Sent: Friday, March 21, 2014 9:04 AM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; FIRE DISTRICT NO. 1; BENTON PUD; Kennewick Irrigation District (bwoodard@kid.org); Ben Franklin Transit; Ben Franklin Transit; Dept. of Natural Resources ; Dept. of Natural Resources; Dept. of Natural Resources; Dept. of Natural Resources; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Department of Ecology; Dept. of Ecology, Donna Buntun
Subject: Agency Review Letter on CUP 2014-002 Walter Meglasson

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Thank you.

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

Clark Posey

From: Rob Rodger <rob.rodger@bentoncleanair.org>
Sent: Monday, April 07, 2014 3:40 PM
To: Clark Posey
Subject: ME 13-02 and CUP 14-002
Attachments: Copenhaver.doc

Mr. Posey,
Attached is a comment concerning Copenhaver Construction Mineral Extraction Permit ME 13-02.

* Also, regarding Mr. Maglasson, CUP 2014-002, he currently has a valid order of approval (permit) to conduct crushing operations at his site.

Please call me with any questions.

Thank you,

Rob Rodger
Air Quality Engineer

Benton Clean Air Agency
526 S. Clodfelter Rd.
Kennewick, WA 99336
rob.rodger@bentoncleanair.org
website: bentoncleanair.org
P: 509/783-1304 ext. 102
F: 509/783-6562

This email may contain information that is privileged, confidential or exempt from disclosure from applicable law. If you have received this email in error, please do not copy or distribute. Please call the sender at 509.783.1304 to make arrangements for the document to be retrieved or destroyed. Thank you.

BOAM 1.9

Attention: Benton County Planning Department

Subject: Conditional Use Permit CUP 2014-002

Clark A Posey, Senior Planner

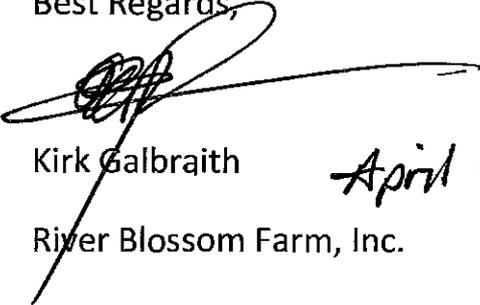
Dear Clark A Posey,

After talking with a member of your staff, I wish to enter my letter regarding the initial request by MR Meglasson to the file for CUP 2014-002.

The points raised in the subject letter have not changed with regard to any operation of the crushing equipment on the subject sight.

I would desire to have the concrete Mr. Meglasson brought to the sight be removed in the same manner he deposited the material on the sight. Crushing the concrete and then depositing it, in Mr. Meglasson's previous excavation area may well increase the potential for air born particles beyond that which would occur during crushing.

Best Regards,


Kirk Galbraith

April 14, 2014

River Blossom Farm, Inc.

RECEIVED

APR 17 2014

Benton County
Planning Department

Attention: Benton County Planning Department

Subject: EA 12-22/CUP 12-07

To Whom it May Concern:

It is my request that the allowance of the subject excavation activity be denied. My request for denial is based on the negative impact such activity will and has had on the residents and agriculture adjacent to the business/operation site.

A modest amount of excavation activity has been on going at subject business site for several years. With each succeeding year of the business activity, the level of excavating has increased and with this increase we have experienced higher and higher levels of dust, noise and truck road traffic. Each of the identified nuisances causes a negative impact on the environment in the vicinity of the business.

For my thirty years as an orchard operator on DeMoss Road, the excavating activity has been in operation about a third of that time and its operation has progressively increased as a nuisance to its neighbors. Although the noise and road traffic have been a nuisance from the beginning, the dust generated at the excavation site interferes with the operation of my orchard. The dust coats the cherry blossoms and impedes and or stops the bees from pollinating the flowers. This in turn reduces the amount and size of the fruit grown, which results in a lower return for the orchard operation. Beyond the pollination issues due to the dust, the dust on the picked cherries has raised concerns when the fruit is received at the packing house as it is seen as a possible contaminate thus making the cherry unfit for a fresh pack. If the current excavating operation is allowed to expand, the dust levels will only increase and the negative economic impact to the orchards operation will most certainly increase.

I see that concrete rubble has recently been dumped at the excavation site. I assume it is the operators' intent to crush or pulverize this material which will increase the dust and noise levels over those we would experience from that that has occurred heretofore. This is not excavating but does add another reason to deny license to this business activity in this location.

I am most sure that the noise and traffic issues to be associated with the proposed excavation operation were never considered when zoning and development were envisioned for the area. An industrial activity as requested is not an appropriate match for what is and was designated by planners to be a residential and agricultural area.

Again, I ask that the request for allowance of the proposed industrial excavation activity be denied. If the concerns about dust, noise levels and traffic are not reason enough, the fact that the business is not a positive fit for the area should be.

Best Regards,

Kirk Galbraith

River Blossom Farm, Inc.

RECEIVED

APR 17 2014

Benton County
Planning Department

Carel Hiatt**RECEIVED**

From: Klipsun Vineyards <grapes@klipsun.com>
Sent: Thursday, April 17, 2014 4:29 PM
To: Planning Department
Cc: 'Terri Hansen'; 'Red Mountain AVA'
Subject: CUP 2014-002

APR 18 2014

Benton County
Planning Department

Attention: Board of Adjustment of Benton County, c/o the Planning Department

I provide the following input with regard to the Conditional use permit CUP 2014-002 requested by Walt Meglasson, in writing because I will not be able to attend the public hearing in person.

This application is similar to a previous request, EA 12-22/CUP 12-10 by Mr. Meglasson. It should be noted that that request was turned down, perhaps in part because the request was more extensive, covering a range of subjects. The present application is restricted to the crushing of concrete waste existing on site.

My wife and I own Klipsun Vineyards, contiguous to the Meglasson property both on the south and on the east. Klipsun Vineyards is one of many vineyards on Red Mountain (which are also to the east and running both north and south). We and our fellow grape growers have demonstrated that Red Mountain is a world class viticultural area, recognized by the Federal government for its uniqueness, and now, almost completely under cultivation. The area therefore represents a huge financial asset for Benton County and the state of Washington.

The Board of Adjustment should be aware that the crushing of concrete waste can be expected to create a great deal of fine dust. Unfortunately, dust is a problem for vineyards because it allows migration of mites and other harmful insects that attach to the airborne dust. Following the fire on the Hanford reservation about ten years ago, we found it necessary to spray for these mites as they were carried by the airborne carbon ash and infested our vineyard. Vineyards that chose not to spray lost their crops.

Other problems incurred may include:

- Dust can cover nearby crops and vegetation, stunting their growth due to the shading effect from clogging of the plant's pores. Reducing the impact of dust on vegetation is a vital part of an integrated farm management system.
- Windblown dust can restrict visibility and cause accidents.
- Dust can contribute to wear and tear on the moving parts of trucks, tractors and other costly machinery.
- Controlling dust and particulates is necessary to provide a more healthful environment for farm and ranch families and their workers. People with asthma are particularly sensitive to the health risks of outdoor air pollution.

Dust control is an important element of our farm management program. We plant grass between vine rows and maintain our roads to keep down the dust.

I therefore request that limits be placed on the Meglasson request for crushing concrete waste by either preventing it in the vicinity of Red Mountain, or at least restricting it to time periods when the vines are in hibernation, between November and March.

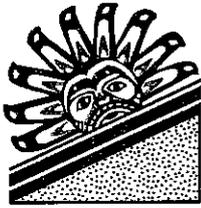
David Gelles - General Partner
Klipsun Vineyards
4636 West Canal Drive
West Richland WA 99353
Phone 509 967 3395
Fax 509 967 4057
Cell 509 366 3395 or 521 8591
E-mail grapes@klipsun.com
www.klipsun.com

References:

<http://www.midwestind.com/about-midwest/news-resources/case-studies1/winery-case-study.html>

<http://dustoff.tv/dust-off-dust-control-for-dirt-roads-farms-and-vineyards/>

<http://www.lung.org/about-us/our-impact/top-stories/making-the-connection-asthma-and-air-quality.html>



KLIPSUN VINEYARDS

4636 W. Canal Drive • West Richland, WA 99353
(509) 967-3395 • FAX (509) 967-4057
grapes@klipsun.com

April 17, 2014

BOAM 1.12

RECEIVED

APR 21 2014

Benton County
Planning Department

Board of Adjustment of Benton County,
c/o the Planning Department,
1002 Dudley Avenue,
PO Box 910,
Prosser, WA 99350

I provide the following input with regard to the Conditional use permit CUP 2014-002 requested by Walt Meglasson, in writing because I will not be able to attend in person.

This application is similar to a previous request, EA 12-22/CUP 12-10 by Mr. Meglasson. It should be noted that that request was turned down, perhaps in part because the request was more extensive, covering a range of subjects. The present application is restricted to the crushing of concrete waste existing on site.

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Sincerely yours,

A handwritten signature in black ink that reads "David Gelles". The signature is written in a cursive style with a large initial 'D'.

David Gelles
General Partner

References:

<http://www.midwestind.com/about-midwest/news-resources/case-studies1/winery-case-study.html>

<http://dustoff.tv/dust-off-dust-control-for-dirt-roads-farms-and-vineyards/>

<http://www.lung.org/about-us/our-impact/top-stories/making-the-connection-asthma-and-air-quality.html>

BOAM 1.13

April 16, 2014

1/1/2014

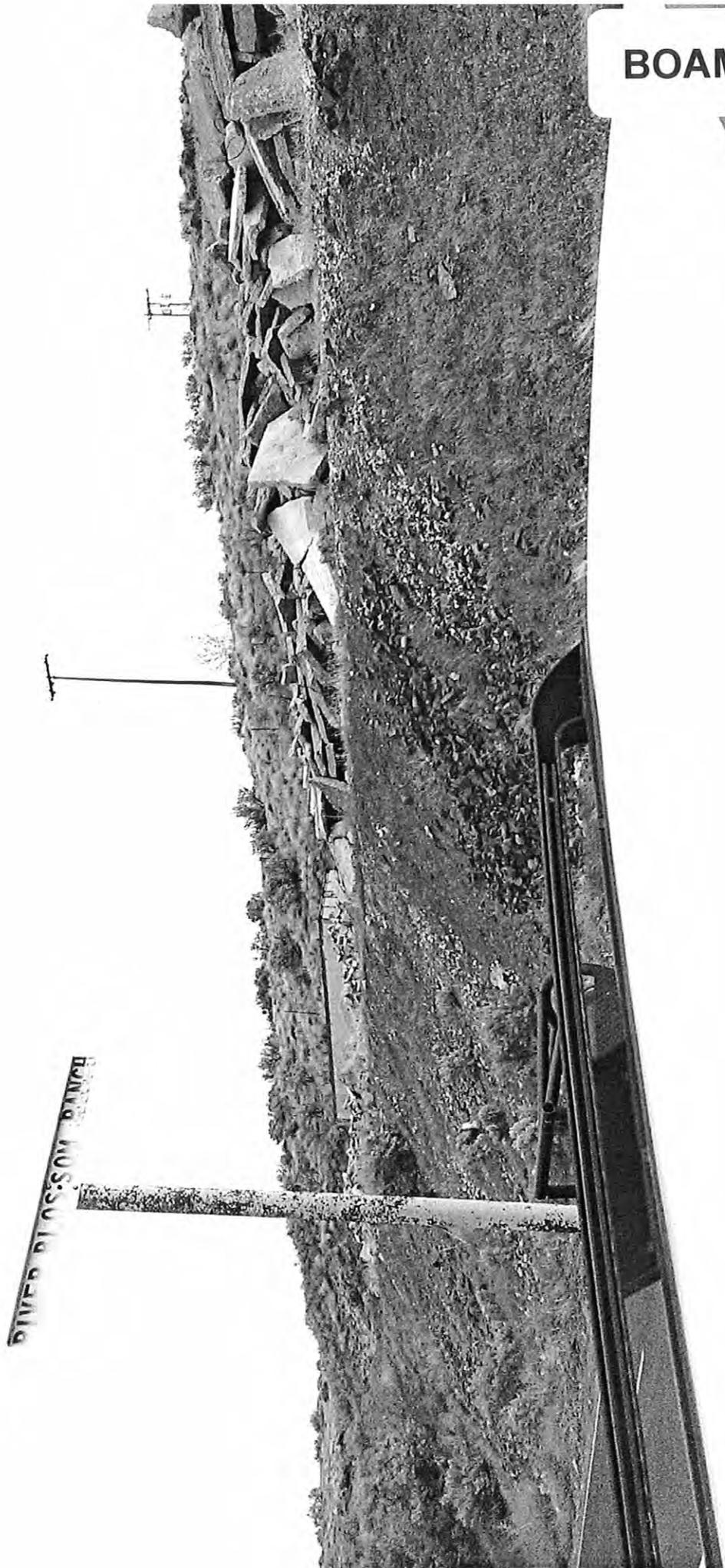


BOAM 1.14



BOAM 1.15

April 16, 2014

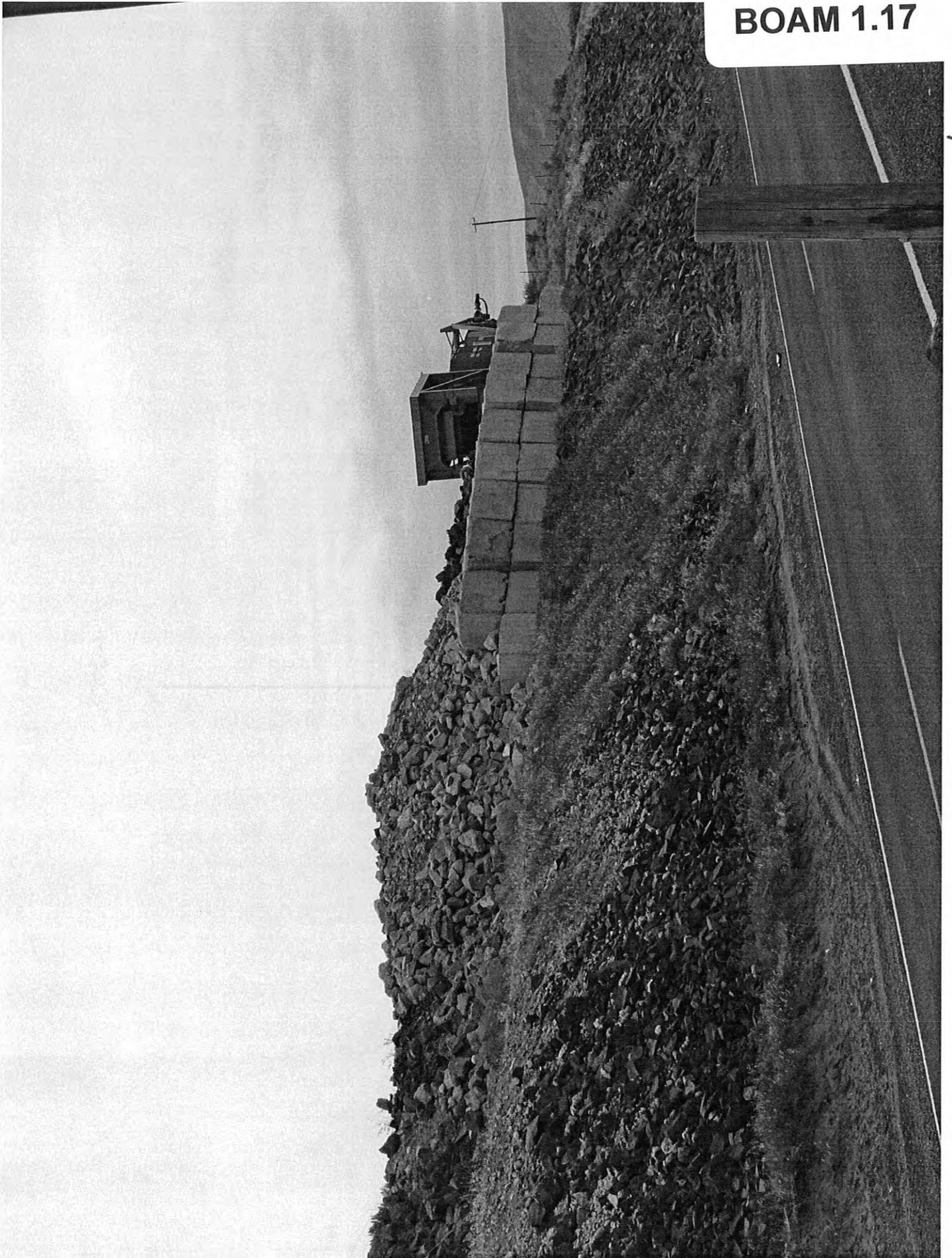


BOAM 1.16



April 16, 2013

BOAM 1.17

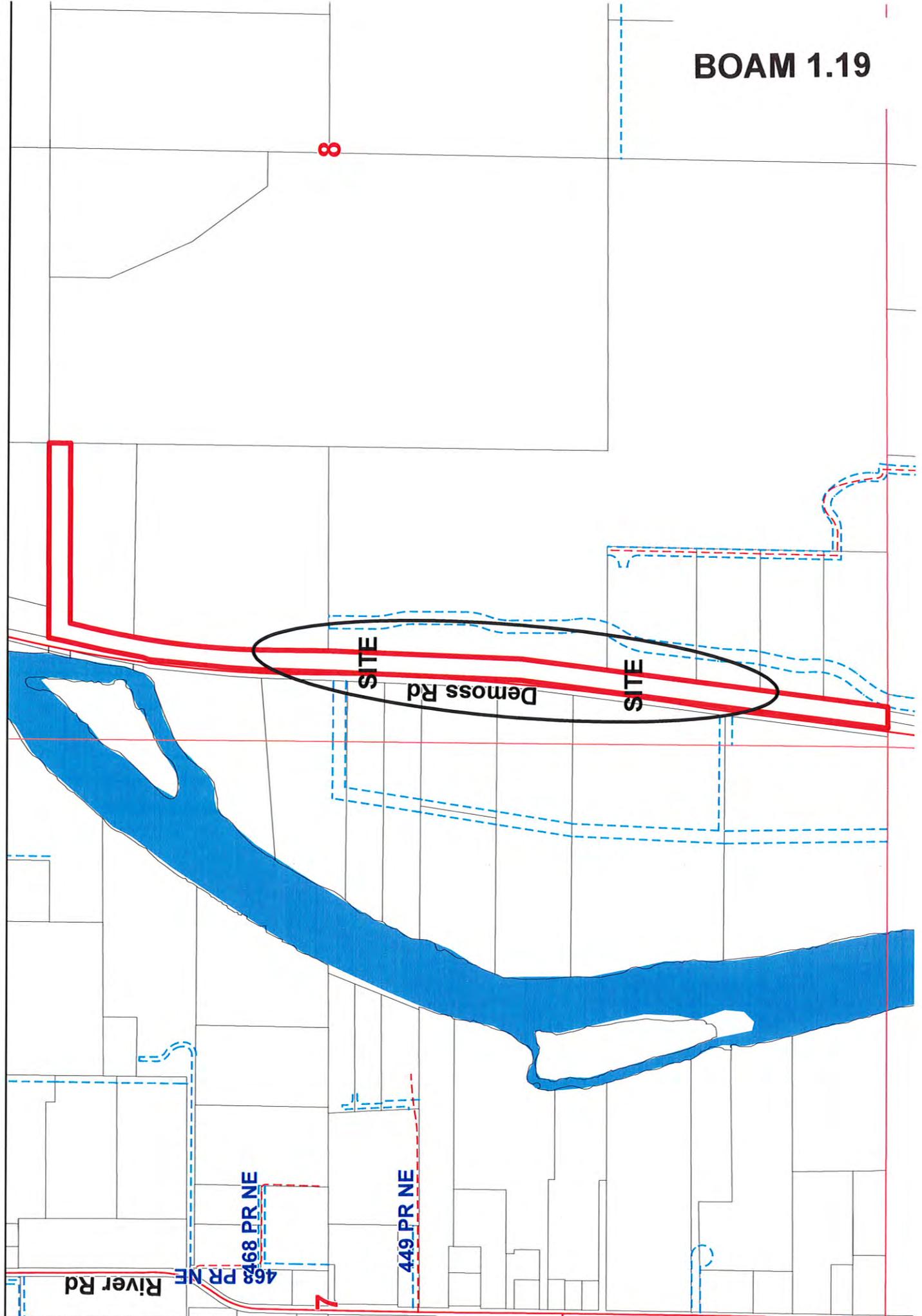


April 16, 2014

BOAM 1.18



Section 8 Township 9 N. Range 27 East Walt McGlasson March 24, 2014



BOAM 1.19

8

SITE

Demoss Rd

SITE

468 PR NE

449 PR NE

River Rd

468 PR NE



From: Mike Shuttleworth
Sent: Monday, March 24, 2014 11:29 AM
To: Clark Posey
Subject: FW: Agency Review Letter on CUP 2014-002 Walter Meglasson

RECEIVED

APR 22 2014

From: Norm Childress
Sent: Monday, March 24, 2014 11:28 AM
To: Daniel Ford; Jeff Liner; Bill Murphey; Bryan Thorp; Lazaro Lopez; Lee Rawlings; Mike Perry; Steve Becken
Cc: Mike Shuttleworth
Subject: RE: Agency Review Letter on CUP 2014-002 Walter Meglasson

Benton County
Planning Department

I agree with the other comments.

There is potential for a substantial safety concern should those blocks or concrete debris roll onto Demoss.

That issue should be mitigated before the start of the project.

(I have attached another view of blocks and concrete.)

I'm glad one of those blocks has not already rolled onto Demoss road. Don't know how long they have been there but even without a crushing project they could possibly be a hazard.

Norm

From: Daniel Ford
Sent: Monday, March 24, 2014 10:57 AM
To: Jeff Liner; Bill Murphey; Bryan Thorp; Lazaro Lopez; Lee Rawlings; Mike Perry; Norm Childress; Steve Becken
Cc: Mike Shuttleworth
Subject: RE: Agency Review Letter on CUP 2014-002 Walter Meglasson

I have concerns that the existing stockpile and ecology blocks poses a potential hazard to motorists on Demoss Road. (See attached picture)

The material is stacked at such a height and proximity to Demoss Road that any disturbance could result in large amounts of concrete debris falling into the road right-of-way or directly onto the roadway itself. I would recommend that the owner provide traffic control to move the debris safely away from the overhang prior to crushing to ensure public safety on Demoss Road. This removal/relocation of debris should be confirmed by this office prior to the start of crushing.

Thoughts?

Daniel S. Ford, PE
County Engineer

Benton County
620 Market Street
Prosser, WA 99350

(509) 786-5611

<http://www.co.benton.wa.us/>

From: Jeff Liner

Sent: Friday, March 21, 2014 4:46 PM

To: Bill Murphey; Bryan Thorp; Daniel Ford; Lazaro Lopez; Lee Rawlings; Mike Perry; Norm Childress; Steve Becken

Subject: FW: Agency Review Letter on CUP 2014-002 Walter Meglasson

Please review and return comments to me by 3-27-14

Thanks,

Jeff Liner

Engineer II

Benton County Public Works

509-786-5611 Local

509-736-3084 Tri Cities

From: Planning Department

Sent: Friday, March 21, 2014 9:04 AM

To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; FIRE DISTRICT NO. 1; BENTON PUD; Kennewick Irrigation District (bwoodard@kid.org); Ben Franklin Transit; Ben Franklin Transit; Dept. of Natural Resources ; Dept. of Natural Resources; Dept. of Natural Resources; Dept. of Natural Resources; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Benton Clean Air Authority (robin.priddy@bentoncleanair.org); BENTON CLEAN AIR QUALITY (alex.sligar@bentoncleanair.org); rob.rodger@bentoncleanair.org; tyler.thompson@bentoncleanair.org; Department of Ecology; Dept. of Ecology, Donna Bunten

Subject: Agency Review Letter on CUP 2014-002 Walter Meglasson

Attached to this email is a copy of the Agency Review letter, application, pictures and maps of the area. Please review these documents and submit comments within seven days if possible. If additional time is need or if there are questions or concerns with regards to this conditional use permit, please contact Clark A. Posey, Senior Planner at 509-786-5612 or email clark.posey@co.benton.wa.us If you just have comments please send them to planning.department@co.benton.wa.us

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

Teresa R Anderson Trustee
Dale K Blank Trustee
5780 Polaris Court
Mira Loma, Ca 91752
April 17, 2014

RECEIVED

Clark A Posey
Senior Planner
Benton County Planning Department
1002 Dudley Avenue, P.O. Box 910
Prosser, WA 99350

APR 22 2014

Benton County
Planning Department

Dear Clark A Posey:

I am writing to you in regards to Walt Meglasson's request for a conditional use permit to crush foreign concrete waste on Demoss Road. I rigouresly oppose his request and urge you to deny this conditional use permit. Mr. Meglasson has illegally brought in concrete waste from his demolition business. This concrete waste has come from demolished building sites that we know nothing about. This concrete could be contaminated with asbestos, poisonous chemicals or petroleum products that can be a potential environmental hazard. The byproduct from crushing the concrete in the form of dust could carry these harmful substances through the air and harm everything in its path. Our dependence on bees and their pollination for the numerous orchards and vineyards could be compromised from this rock crushing activity and the poisonous dust it produces. This quiet and pristine area would be subjected to noise, dust, and heavy truck traffic on a road not made for such heavy commercial vehicles. Who is going to pay to fix Demoss Road after it is destroyed by the heavy trucks? Since I have owned my property on Demoss Road, my property taxes have doubled. I was told it's because I have river front property. Well that's fine as long as it stays a nice and quiet piece of riverfront property. If a loud, dusty and heavy truck traffic concrete crushing business sets up shop across the street from me, I will fight these tax increases! Mr. Meglasson needs to man up and remove the concrete he illegally dumped and take it to a qualified and permitted rock crushing quarry away from this viable habitat. I hope not to have to revisit any more of Mr. Meglasson's endeavors that degrade the quality of life in our neighborhood.

Sincerely,

Clark A Posey

[Date]

Page 2

Teresa R Anderson Trustee

Dale K Blank Trustee

BENTON COUNTY PLANNING DEPARTMENT

The Conditional Use Permit 2014-002, that Walt is seeking, is even more vague than the one he applied for and was denied in 2013.

There has been nothing mentioned about how much concrete is there? How many yards or tons of hazardous waste concrete are there? It has been documented that some of the concrete came from Walla Walla's sewage treatment plant. There is no documentation on where the rest of the concrete came from. It could all be hazardous as far as we know. How many tons or yards an hour can his crusher produce? There is no time limit mentioned on how long this project will take. Walt doesn't bother to declare what he is going to do with this concrete after being crushed. We are now wondering if we will have piles of crushed concrete to look at along with the rest of the rock piles.

The majority of Walt's waste concrete is full of rebar. I have worked 30 years in the rock crushing business and know that the concrete that has rebar attached needs to be removed before it can be crushed. This brings up another point that has not been mentioned. Walt will have to hammer the rebar from the concrete. There are also larger pieces of concrete that will also need to be reduced in size before crushing.

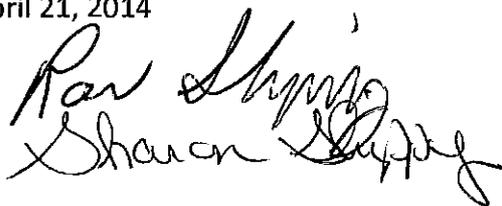
The applicant is requesting a Conditional Use Permit for the crushing of concrete waste EXISTING on site. This concrete waste did not EXIST on site till Walt hauled it illegally to his dumping site. Walt should be made to haul it off site and not be rewarded for his illegal operation. There are legal dump sites where there is dust and noise control such as Ray Poland and Sons. Problem would be solved.

We are asking Benton County Planning Department to deny Walt this permit and make him haul this waste concrete off site for processing.

Thank you

Ron and Sharon Shippy

April 21, 2014



RECEIVED

APR 22 2014

Benton County
Planning Department

Benton County Planning Dep't
POB 910
Prosser, WA. 99350

This proposal to operate a waste concrete crusher above Demoss Road on the west side of Red Mountain threatens the health of the local residents, the environment, vineyards, orchards, and livestock,

I have lived at this location for 35 years where it was peaceful, serene, and beautiful until excavations and waste dumping began at and near the proposed site on Red Mountain. Now it is not.

It is not peaceful because of all the pounding and explosions to knock down the native basalt on Red Mountain. My wife and I used to sit on our porch in the late afternoon and enjoy the beautiful "Golden Light" reflected from the wall of native red basalt above Demoss Road.

Now we see a wall of rubble.

Now it is not serene because noisy large dump trucks go in and out of the site to load and sell the native basalt.

Now it is not beautiful because dump trucks full of used environmentally unapproved waste rubble from foreign demolished construction areas are brought, dumped, and reprocessed on this Red Mountain site. We the people of Benton County do not sanction any activities other than that for which the property is zoned. The acreage in this area is zoned agriculture and residential. The dumping, storing, and processing of foreign construction waste material must be prohibited in these zones.

Furthermore, unless scientifically proven otherwise, the dust from the proposed crushing of this waste concrete is harmful to our bodies, our environment, our animals and our crops. We have been told that "dust mites", which are extremely damaging to our crops, travel on the dust and that the dust itself damages plant growth.

In summation, WE VOTE NO to the proposed waste concrete crushing because:

- 1) It would be inconsistent with the country residences, small farms, and viticulture in this area.
- 2) It would reduce the quality of life in this area
- 3) It would endanger the public

Also, we request that all dumped foreign construction material be immediately removed to properly zoned sites.

J. D. Kraus, 45704 Demoss Road, Benton City, WA. 99320

Phone 509-588-4252

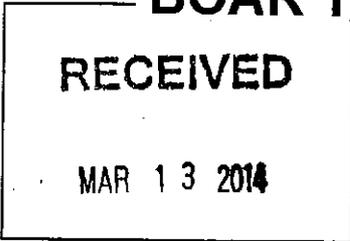
J.D. Kraus 19 Apr 14
J. Ann [unclear] [unclear] 14

RECEIVED

APR 22 2014

Benton County
Planning Department

BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE/SPECIAL PERMIT APPLICATION
FILE NO. CUP 2014-002



1. Applicant Name Walt Meglasson
Applicant Address: 54005 North Demoss Road
Benton City, Washington 99320
Telephone number: Home 588-5680 Work 539-3274

Benton County
Planning Department

2. Legal owners name: Walt Meglasson
Legal Owners address: Same as
above
Telephone number: Home Same as Work above

3. Parcel Number or Legal description of property for which permit is for: That portion of Government Lot 2 (The southwest Quarter of the NW quarter) of Section 8, Township 9 North, Range 27 East,

4. If you are amending a previous conditional use/special use permit - please list the file number(s):
NO 108972000003000

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.**
To crush into 3" minus all concrete now stockpiled on the former RR Right of way, now situated in 2 areas as shown in attached photos, stockpile temporary by crusher on RR Road, utilize

40% on site as roadbed base and ship balance to farm ~~circle~~ circle irrigation
Have ecology blocks.

6. The property will be served by: roads off Ruppert Road.
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 **NONE**
IRRIGATION: Yes No Name of Utility
PRIVATE IRR. Yes No

7. Total acres of property: 13 Zoning Classification of Property:
Comprehensive Plan Designation

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.:

 none

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

 Rural farming

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

- a. Is there a residence on site? Yes _____ No X
- 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 X
- c. Does at least one of the proprietors live in said residence? Yes _____ No X
- d. List the number of non-resident employees. 6
- e. What is the **total** square footage of the detached building to be used for the business? _____
- f. What is the **total** square footage that will be used for the business activity? _____
- g. Is only one detached building to be used for the business activity? Yes _____ No X
- 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. _____
- j. List the number of off street parking spots _____
- k. What County Road does the site access off of? DeMoss Road
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week _____
Hours of Operation _____

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.


Applicant's Signature

Walt Meglasson
Print Name

March 12 2014
Date

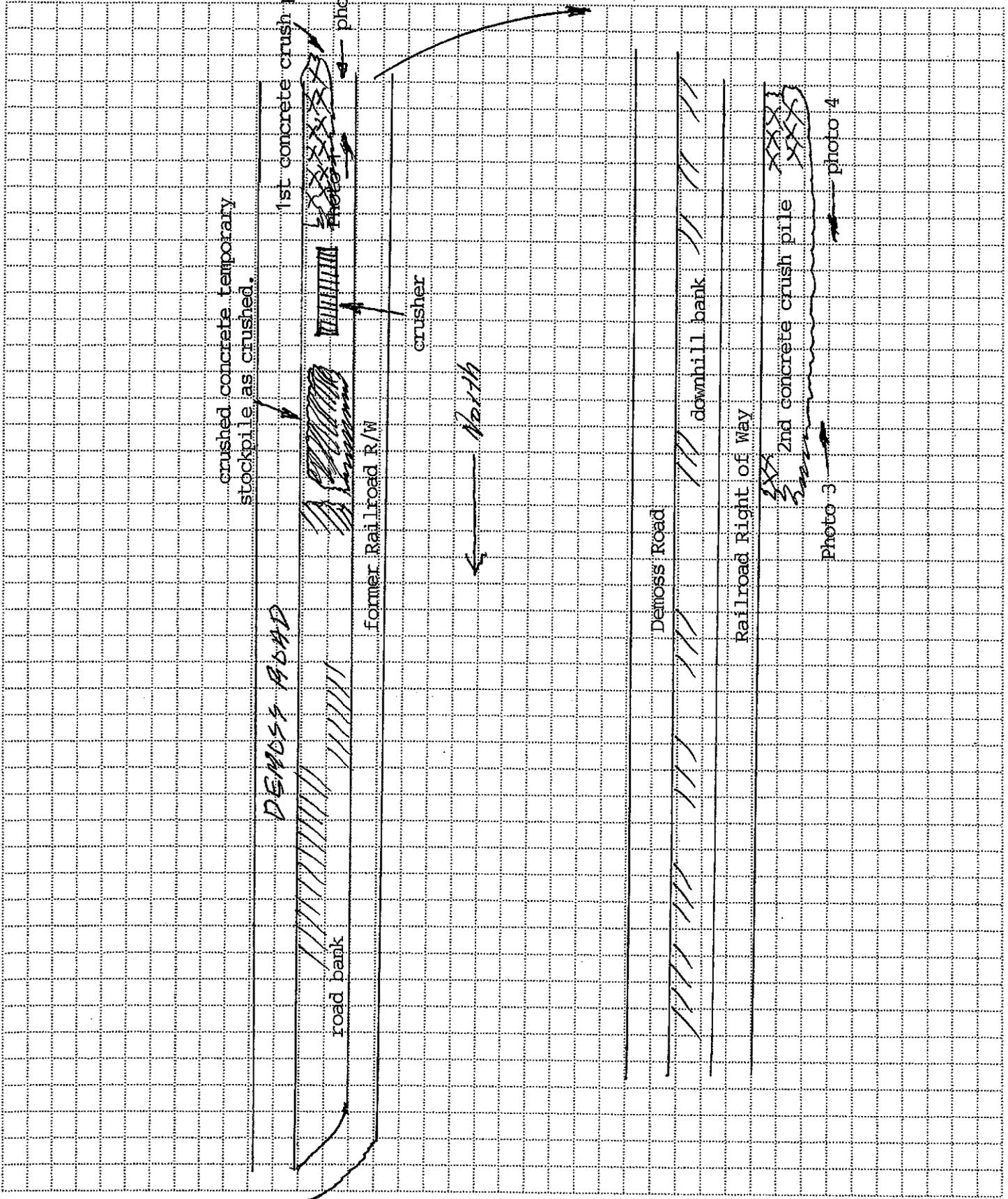
SITE PLAN FOR

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

Please specify

BOAR 1.2

PLEASE INDICATE NORTH



BOAR 1.3



1st concrete crush
pile, by crusher

left, and below





Photo #3 - 2nd Concrete crush pile



Photo #4 - 2nd Concrete crush pile

VARIANCE
REQUEST

VAR 2014-001

APPLICANT
TYLER/EVA
TAPANI

**EXHIBIT LIST FOR VAR 2014-001
APPLICANTS: TYLER/EVA TAPANI**

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	April 11, 2014
	BOAM 1.2	Notice of Open Record Hearing	April 9, 2014
	BOAM 1.3	Comments Benton PUD	March 31, 2014
	BOAM 1.4	Comments Benton Franklin Health District	April 8 2014
	BOAM 1.5	Comments Benton Franklin Health District	April 14, 2014
	BOAM 1.6	Comments Benton Co. Fire Marshal	April 9, 2014
	BOAM 1.7	Comments Benton Co. Public Works	April 9, 2014
	BOAM 1.8	Site Map	March 27, 2014
	BOAM 1.9 to BOAM 1.11	Benton Co. Planning Department pictures taken of the site (3)	April 16, 2014
	BOAM 1.12	Benton Co. Public Works Documents (1) Encroachment Permit (2) Map Date January 16, 2014 (3) U.S. Dept. of Interior BLM right-of-way grant/temporary use permit (4) Statutory Warrant Deed (5) Exhibit "A" (6) Road Maintenance Agreement (7) Property Owners (8) Exhibit "A" Map date March 19, 2014 Benton County Assessor	Received by Planning Department on April 21, 2014
BOARD OF ADJUSTMENT RECORD EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Variance Application	March 27, 2014
	BOAR 1.2	United States Dept. of Interior – Bureau of Land Management	August 27, 2013
	BOAR 1.3	United States Dept. of Interior – Bureau of Land Management – right-of-way grant/temporary use permit	August 26, 2013
	BOAR 1.4	Exhibit A – WAOR 61004 – Tyler Tapani Road Access Right-of-way	August 20, 2013
	BOAR 1.5	Exhibit B – Right-of-way Renewal WAOR 61004 Stipulations	August 20, 2013
	BOAR 1.6	Site Plan submitted by Applicant to the Benton County Building Department	March 27, 2014

BOARD OF ADJUSTMENT HEARING EXHIBIT LIST MAY 1, 2014

BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAH 1.1		

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

DATE: APRIL 11, 2014
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: VARIANCE APPLICATION - VAR 2014-001

APPLICANTS/

PROPERTY OWNERS: TYLER/EVA TAPANI
86316 E LOCUST GROVE ROAD
KENNEWICK, WA 99338

SPECIFIC REQUEST

The applicants, Tyler & Eva Tapani, are requesting a variance from BCC 11.52.060(3) to allow access to a single parcel of land on a 5.2-acre site that does not have a perpetual, non-exclusive access easement. Access across the Bureau of Land Management property is needed for an ingress and egress right of way for residential construction.

BACKGROUND

Site Location: The site is located in the West Half of the Northwest Quarter of the Northeast Quarter, lying westerly of the canal in Section 18, Township 8 North, Range 28 East, W.M.

Land Use: The site and surrounding properties are agriculture and pasture uses.

Zoning: The site and surrounding areas are zoned Rural Lands 5.

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands 5" adjoining parcels in the (GMA-AG) Growth Management Act Agriculture Zone.

State Environmental Policy Act: Variance Application VAR 2014-001 is categorically exempt from the requirements of the Washington State Environmental Policy Act as outlined in WAC 197-11-800(6)(b).

APPLICABLE DEVELOPMENT REGULATIONS

1. The Revised Code of Washington RCW 36.70.810, requires that the following findings are made prior to the granting of the variance and the applicant should be prepared to demonstrate before the Board of Adjustment that such findings exist.

- a. Variances granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and the zone in which the property is situated.
 - b. That strict application of the Zoning Ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zoning classification because of special circumstances applicable to subject property including size, shape, topography, location or surroundings
 - c. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.
2. Benton County Code Section 11.52.088(b) states:
Variance—General Standards, The variance application process allows the Board of Adjustment in specific cases, as provided in RCW 36.70.810, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purpose and intent of this title and is accordance with the requirements of this section. However, the Board of Adjustment shall not grant variances to land uses or density requirements."
 3. Benton County Code Section 11.52.088(e) provides:
Variance—Permit Granted. (1) A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:
 - (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
 - (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
 - (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
 - (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;

- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
 - (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
 - (vii) the variance will not adversely affect the health or safety or persons residing or working in the neighborhood in which the variance is being requested; and,
 - (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.
- (2) The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by subsection (e)(1) above.
4. Benton County Code Section 11.52.060 of the Benton County Code provides:
ACCESS TO PUBLIC ROADS, (a) every single-family dwelling, manufactured home, or multi-family dwelling constructed on or placed upon property after May 10, 1976, shall be constructed on or placed upon a property which fronts upon and has direct access to a county road, state highway or city street, except the following:
- (1) Dwelling placed in a planned development in accordance with the provisions of Chapter 11.20 BCC.
 - (2) Manufactured homes placed in an approved manufactured home park, pursuant to Chapter 3.22 (Manufactured Home Park Ordinance).
 - (3) Dwellings to be located on property for which there is a non-exclusive and perpetual easement or right of way for ingress and egress recorded in the Benton County Auditor's office. Said easement or right-of-way shall be continuous from the boundary of the property on which the dwelling is to be located to a county road, state highway, or city street and shall serve only one dwelling unit per individual piece of property. All applicants for building permits issued under the authority of this subsection shall sign an affidavit stating that the responsibility for construction and maintenance of this easement shall be vested with the property owner and not Benton County.

(4) A manufactured home located on property that proposes to provide access across state or federally owned property and for which there is a non-perpetual easement, lease, or right of way for ingress and egress across the state or the federally owned property, recorded in the Benton County Auditor's office. That portion of the access easement crossing property not owned by the state or federal government shall comply with BCC 11.52.060(a)(3) above. Said easements or right of ways shall be continuous from the boundary of the property on which the manufactured home is to be located to a county road, state highway, or city street and shall serve only one dwelling unit per individual piece of property. The placement permit for the manufactured home shall be valid for no longer than the duration of the non-perpetual easement, lease, or right-of-way obtained over the state or federally owned property, and the manufactured home must be removed thereafter. All applicants for placement permit issued under the authority of this subsection shall sign and record an affidavit stating that the responsibility for construction and maintenance of the easement shall be vested with the property owner and not Benton County.

Prior to recording of any transfer of ownership of property being served by an access easement per 11.52.060(a)(4), a new easement must be granted to the new owner by the appropriate state or federal agency and recorded per BCC 11.52.060(a)(4).

(5) Dwellings placed on a lot in an approved short plat; or

(6) Dwellings placed on property for which a special permit or variance from these requirements has been granted.

(b) Any person submitting an application for a building permit to construct a dwelling on property which is exempt from the access requirement by BCC 11.52.060(a)(3) or an application for a placement permit to locate a manufactured home on property exempt from the access requirement by BCC 11.52.060(a)(4) shall also submit a copy of the recorded easement or right-of-way agreement to the Benton County Building Official.

(c) A county road shall mean a road which is on the county road system as shown by the county engineer's maps and is maintained by Benton County. Roads included in an accepted plat, filed with the County Auditor, for which construction provisions have been made shall also constitute county roads.

(d) Except in planned developments established in accordance with Chapter 11.20 BCC, short plat lots which obtain access via access easements, manufactured home parks established in accordance with Chapter 3.22 BCC, recreational vehicle parks or when multiple detached dwellings are approved in accordance with BCC 11.52.065, no other dwelling shall be located between a single family dwelling, manufactured home or multiple family dwelling and the street, road, or highway upon which it fronts.”

FINDINGS OF FACT

If the Board of Adjustment makes a decision to either approve or deny this proposal, the Board shall include in a written record of the case the findings of fact upon which the action is based. The following is information compiled by the Planning Staff as of the date of this memo. The following should be considered by the Board of Adjustment and may be used in the Board’s findings of fact for this proposal.

1. The applicants/owners for VAR 2014-001 are Tyler and Eva Tapani, 86316 E Locust Grove RD. Kennewick, WA 99338
2. VAR 2014-001 is for a variance from BCC 11.52.060(3) to allow access to a single parcel of land on a 5.2 acre site for a residential structure without having a perpetual, non-exclusive access easement. The applicants must use the Bureau of Land Management property for ingress and egress to their property. Access will allow the applicants to be able to construct a single family dwelling on a 5.2 acre site without having a perpetual, non-exclusive access easement across the Bureau of Land Management property.
3. The site is located south of Badger Canyon Road off of E 99 PR SE. This lot does not give access to Mr. & Mrs. Tapani’s parcel and is the reason this access easement from the Bureau of Land Management is requested. The property lies in Section 18, Township 8 North, Range 28 East, W.M.
4. The application for VAR 2014-001 was submitted to Benton County on March 27, 2014 and was determined a complete application for processing on March 27, 2014.
5. The proposed variance application did not require that a Notice of Application be published.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application VAR 2014-001 was published on Monday, April 14, 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 May 1, 2014.

7. The property is zoned Rural Lands 5.
8. The Benton County Comprehensive Plan designated the site and surrounding areas as Rural Lands 5 and Growth Management Act Agriculture (GMA AG) District Zoning.
9. A single-family dwelling is an allowed use in the Rural Lands 5 Zoning District.
10. The property in this application does not have a required perpetual non-exclusive access easement. The applicants must cross the Bureau of Land Management parcel to access the property. The applicants have obtained an agreement with the Bureau of Land Management for this access.
11. The 30 foot access easement must be at least 10 feet from the drainfield and reserve area for the onsite septic system.
12. The applicants will need to review the attached Benton County Fire Marshal's comments noted in the March 28, 2014 letter.
13. A minimum of 125 feet from the center of the Kennewick Irrigation District's canal must be maintained when reconstructing the current dirt road.

DISPOSITION OF THE APPLICANT'S REQUEST

A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

- (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
- (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
- (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
- (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
- (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
- (vii) the variance will not adversely affect the health or safety or persons

- residing or working in the neighborhood in which the variance is being requested; and,
- (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the comprehensive plan will not be violated; provided, the specified conditions are needed to make the conclusions required by subsection above.

CONDITIONS

This staff memo does not include information received after the date of this memo or at the open record hearing. Based on the information received as of the date of this memo, if the Board of Adjustment decides to approve Variance Request VAR 2014-001 then the following are suggested conditions that the Planning Department recommends at this time:

1. Conditions 3 and 4 imposed by the Board of Adjustment must be met prior to issuance of this variance. 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 variance permit until those conditions have been met. The variance 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 variance within one (1) year from the time the Board of Adjustment conditionally approved the variance, 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. The applicants will need to obtain a building/placement permit from the Benton County Building Office for the single-family dwelling.
4. That the applicants provide written proof to the Building Department that they have obtained an access easement or right of way from the Bureau of Land Management for this property. This condition must be completed before a building/placement permit from the Benton County Building Office for the single-family dwelling will be issued. The applicants shall continue to meet all such requirements while variance VAR 2014-001 is in effect.
5. The applicants must inform any potential purchaser of their property that the Bureau of Land Management permit may be revoked at any time and that this property does not have a non-exclusive and perpetual easement or right of way for ingress and egress from E 99 PR SE to the applicants' property.

6. This variance is granted only for the purpose of placing a single-family dwelling or factory assembled structure (FAS) on the above described property. This variance is not approved for the purpose of short platting or subdividing the property or for a commercial operation or business.
7. The applicants will need to abide by the requirements imposed by the Benton County Fire Marshal as established in the comment letter submitted regarding the driveway, approved turnouts, turnout locations and the turnaround at the residence.
8. Per the Benton Franklin Public Health District, The 30 foot access easement must be at least 10 feet from the drainfield and reserve area for the onsite septic system.

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-

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 2014-002 – The applicant is requesting a conditional use permit for the crushing of concrete waste existing on site. This material needs to be removed from the current stockpile area along the East side of Demoss Road. The application was submitted on March 13, 2014 and deemed complete for processing on March 17, 2014. The site is located along the eastern right-of-way of North Demoss Road, Benton City, WA 99320 in the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 27 East, W.M. Applicant: Walt Meglasson

VARIANCE REQUEST – VAR 2014-001 – The applicant is requesting a variance from BCC 11.52.060(3) to allow access to a single parcel of land on a 5.2 acre site that does not have a perpetual, non-exclusive access easement. Access across the United States Department of the Interior – Bureau of Land Management property is needed for an ingress and egress right-of-way. The application was submitted on March 27, 2014 and deemed complete for processing on March 27, 2014. The site is located in the West Half of the Northwest Quarter of the Northeast Quarter, lying westerly of the canal in Section 18, Township 8 North, Range 28 East, W.M. Applicants: Tyler/Eva Tapani.

CONDITIONAL USE PERMIT – CUP 2014-001 – The applicant is requesting a conditional use permit for the operation of the following business to be conducted on the same site (1) vehicle and furniture upholstery repair business and (2) a retail tool sales business. The application was submitted on March 4, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

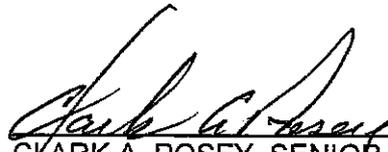
VARIANCE REQUEST – VAR 2014-002 – The applicant is requesting a seven (7) foot variance to BCC 11.16A.080(4) which is a setback of ten (10) feet from the sideyard property line for the location of an existing storage container. The application was submitted on April 2, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

NOTICE IS GIVEN that said application(s) will be considered by the Board of Adjustment of Benton County, Washington at the public hearings on **Thursday, May 1, 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 9th day of April, 2014.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

A handwritten signature in black ink, appearing to read "Clark A. Posey", written over a horizontal line.

CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Monday, April 14, 2014

From: Ken Klander <klanderk@bentonpud.org>
Sent: Monday, March 31, 2014 7:04 AM
To: Planning Department
Subject: RE: Utility Review for VAR 2014-001

Benton PUD has no comments at this time.

Ken Klander
Distribution Design Tech 1
Benton PUD
509-582-1241
P.O. Box 6270
Kennewick WA 99336-0270

RECEIVED

MAR 31 2014

**Benton County
Planning Department**

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Friday, March 28, 2014 3:01 PM
To: Benton-Franklin Dist. Health Dept.; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org); Ken Klander; Rick Sunford; Jeff Vosahlo; David Smith
Subject: Utility Review for VAR 2014-001

Please review the attached variance request and submit comments within seven days. If additional time is needed, 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

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

Clark Posey

BOAM 1.4

From: Shawn Brown <shawnb@bfhd.wa.gov>
Sent: Tuesday, April 08, 2014 12:42 PM
To: Clark Posey
Subject: RE: 28436 Tapani

Clark:

Yes I believe so, as long as the drainfield and reserve area are at least 10' off of the edge of the 30' easement we should be fine. Let me know if you need anything else.

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

From: Clark Posey [<mailto:Clark.Posey@co.benton.wa.us>]
Sent: Monday, March 31, 2014 8:55 AM
To: Shawn Brown
Subject: RE: 28436 Tapani

Morning Shawn,

It's in addition to the KID Canal Road but, not the same road as the canal. Are we o.k.???

Thanks,
Clark

From: Shawn Brown [<mailto:shawnb@bfhd.wa.gov>]
Sent: Monday, March 31, 2014 8:10 AM
To: Clark Posey
Subject: RE: 28436 Tapani

Good Morning Clark:

So the 30' easement that he is wanting to utilize is extending off of the designated area for the KID canal? Just want to make sure I am on the same page, take care.

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

From: Clark Posey [<mailto:Clark.Posey@co.benton.wa.us>]
Sent: Friday, March 28, 2014 4:45 PM

To: Shawn Brown
Subject: FW: 28436 Tapani

From: Tomi Chalk
Sent: Friday, March 28, 2014 11:29 AM
To: RJ Lott
Cc: Clark Posey
Subject: 28436 Tapani

1-1888-100-0003-000 FOR A BARN. THIS IS THE TYLER TAPANI PROPERTY, HE IS GOING TO GO AHEAD WITH THE BARN PERMIT AT THIS TIME. NEED CA'S, SETBACKS AND ZONING.

THANKS,
MICHELLE

Tomi L. Chalk
Permit Technician
Benton County Building Department

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.*

From: Shawn Brown <shawnb@bfhd.wa.gov>
Sent: Monday, April 14, 2014 9:43 AM
To: Clark Posey
Subject: VAR 2014-001

Mr. Posey:

This office has reviewed the proposed Variance which would allow the applicant to utilize a 30' easement extending out from the KID canal for access to the property. As this proposal would not infringe on required setbacks to the initial or reserve drainfield areas this office does not have any issue with the proposal.

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

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

BOAM 1.6

TO: Clark Posey

Variance Request 14-001

Date Received 3-28-14 Date Returned 4-9-14

Applicants Comments: Tyaler and Eva Tapani 86316 E. Locust Grove Rd, Kennewick, 99338, 440-3273, request a variance to use a BLM approved right-of-way, serial #WAOR 61004 granted on 8-27-13 to access their property parcel 1-1888-100-0003-000, and to build a house.

Fire Marshal's Comments:

The proposed road will be over 300 feet long and will require turnouts, and at their house, a turnaround will be required.

RECEIVED

APR - 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

BOAM 1.7

DATE: MARCH 28, 2014

TO: BENTON COUNTY ENGINEER
BENTON COUNTY BUILDING DEPARTMENT
BENTON FRANKLIN DISTRICT HEALTH DEPARTMENT
BENTON COUNTY FIRE DISTRICT NO. 1
BENTON COUNTY FIRE MARSHAL
BENTON PUD
CENTURYLINK

RECEIVED

APR - 7 2014

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

Benton County
Planning Department

RE: VARIANCE REQUEST - VAR 2014-001 - TYLER TAPANI

Attached is a copy of a variance request in which the applicant is requesting a perpetual non-exclusive access easement for his driveway for the construction of a single family residence. The site is located off of 99 PR SE in Section 11, Township 8 North, Range 28 East, W.M.

PLEASE SUBMIT YOUR COMMENTS BELOW WITHIN SEVEN DAYS OF THE ABOVE NOTED DATE OR YOU CAN EMAIL YOUR COMMENTS TO planning.department@co.benton.wa.us

The Public Work Dept. has no comments
on Variance 2014-001

RETURN DATE 4-9-14

Steve SJB 4-7-14

Dan D. Paul 4-7-2014

Norm Handley 4/4/14

Bryan BN 4/4/14

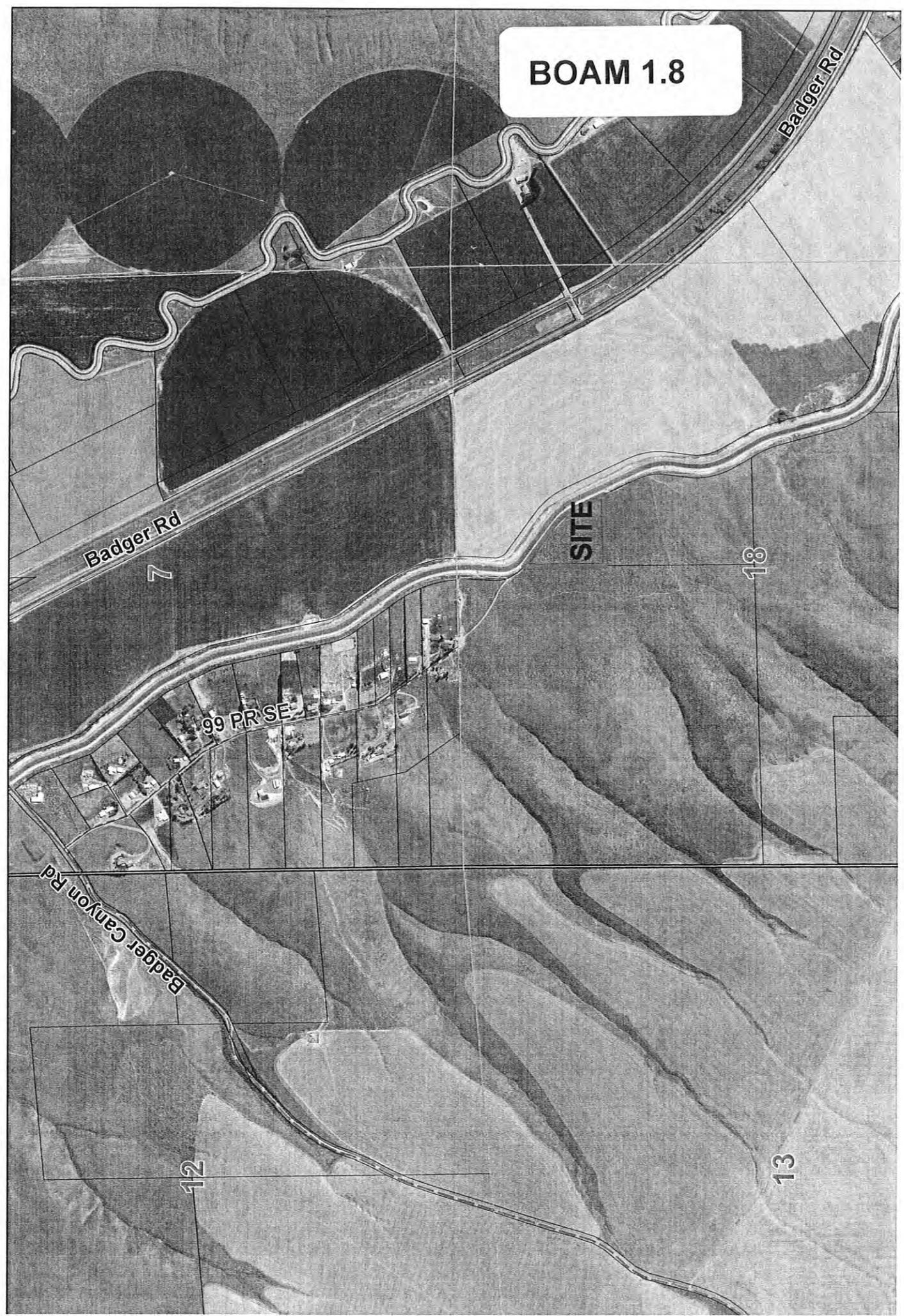
Mike MP 4/4/14

Lazaro LZ 4-4-14

RECEIVED

APR - 7 2014

PLEASE REVIEW, SIGN AND RETURN TO JEFF LINER BY RETURN DATE
Benton County
Planning Department



BOAM 1.8

Badger Rd
7

99 PR SE

SITE

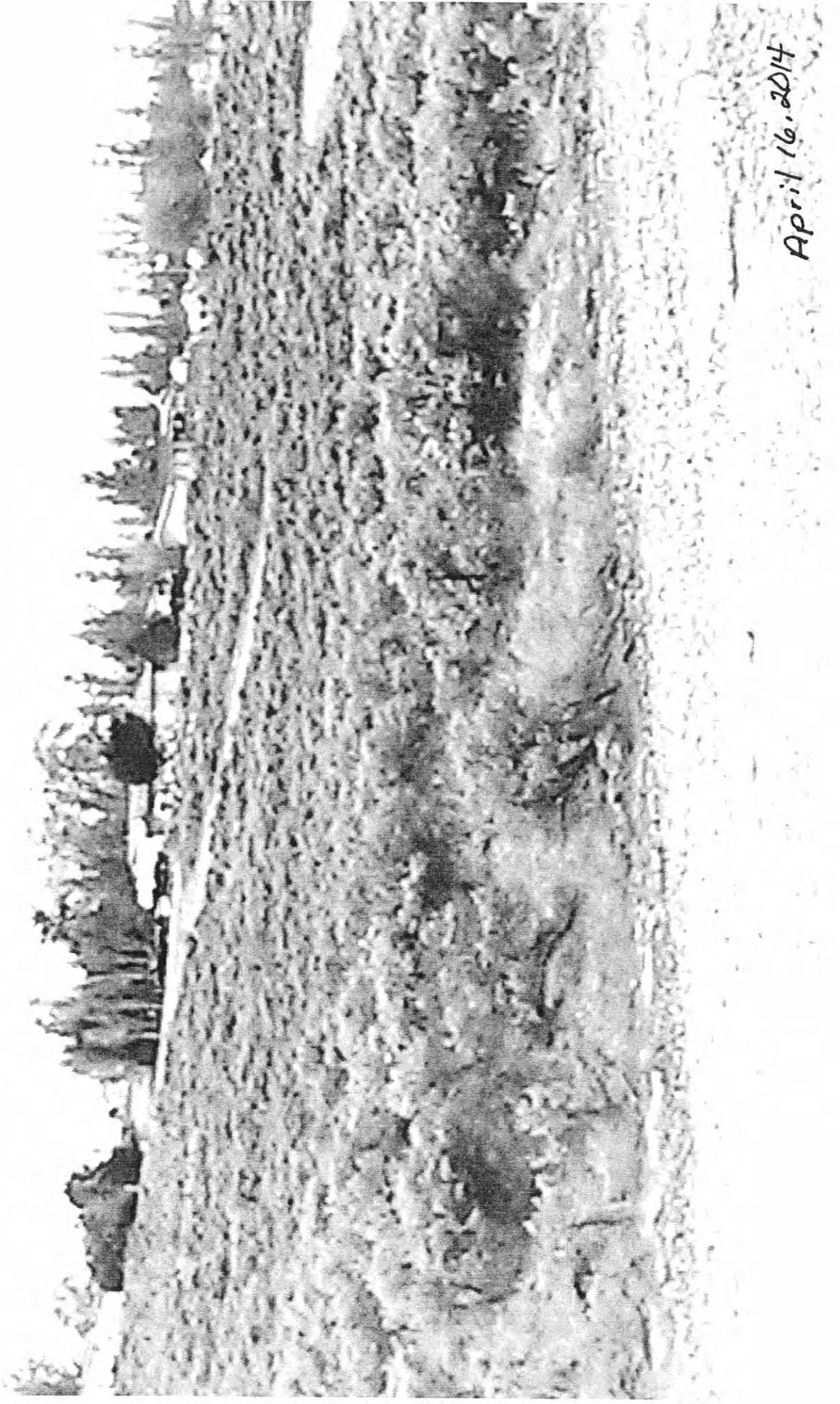
18

Badger Canyon Rd

12

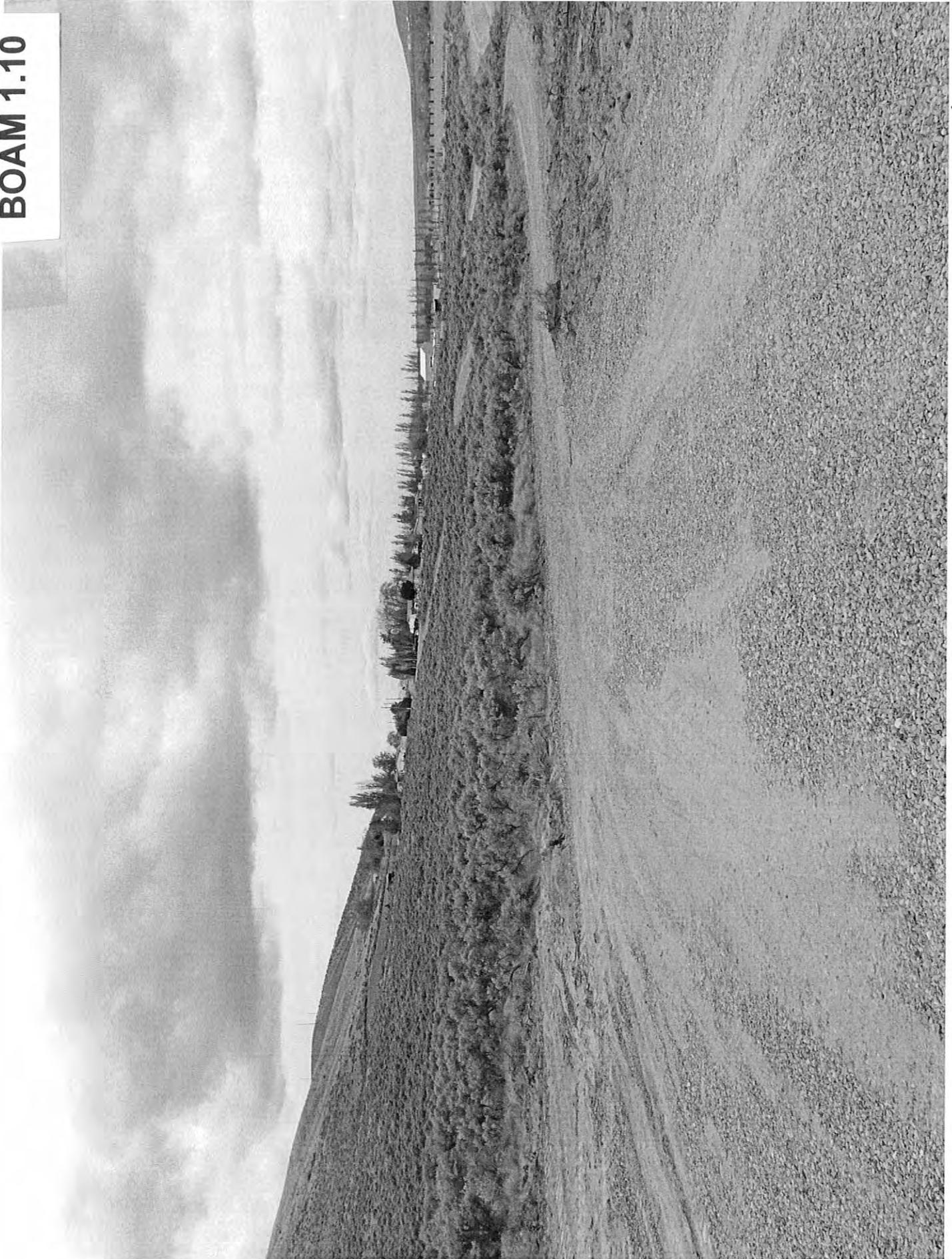
13

BOAM 1.9



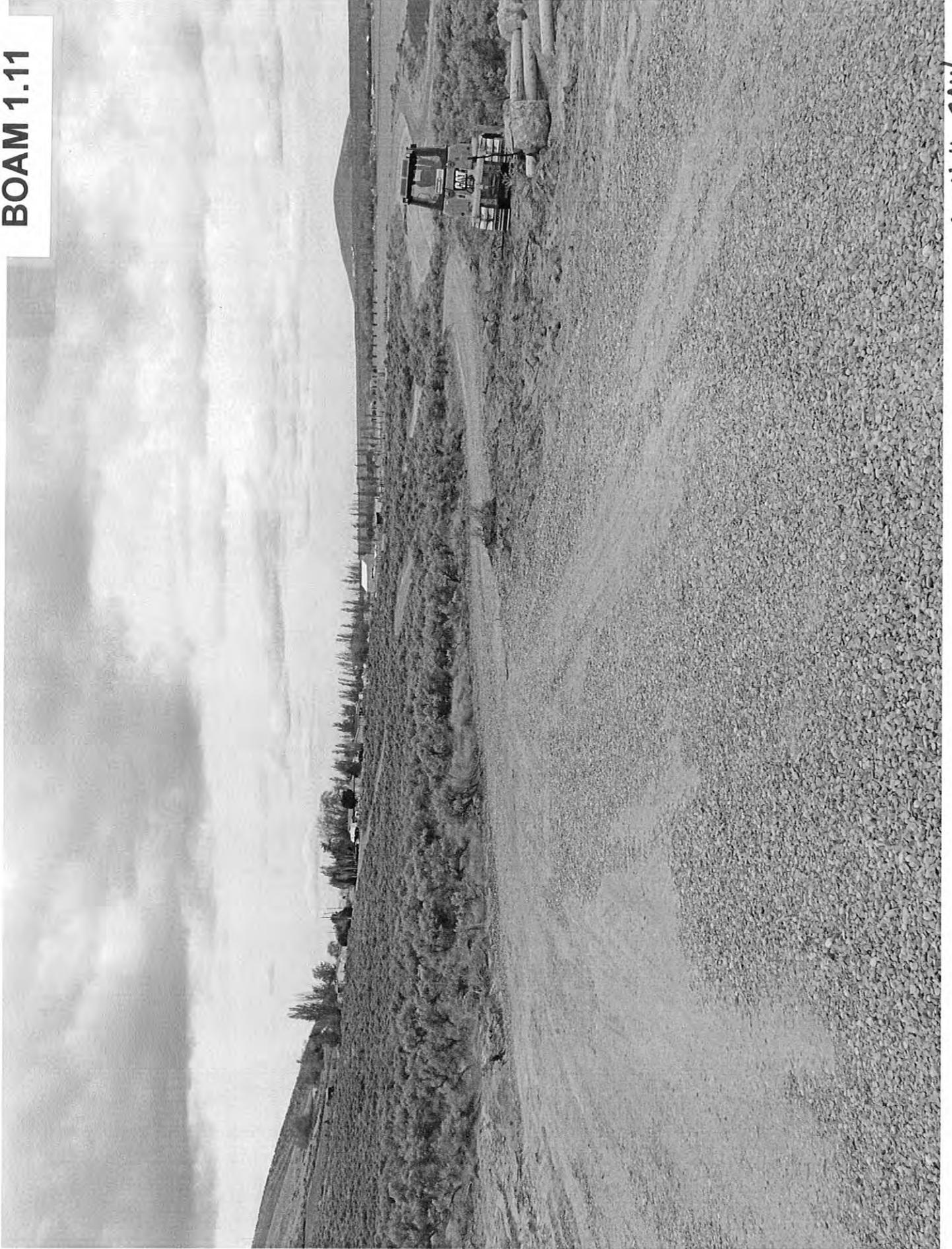
April 16, 2014

BOAM 1.10



April 16, 2014

BOAM 1.11



April 16, 2014



BENTON COUNTY PUBLIC WORKS DEPARTMENT
 P.O. Box 1001 - Courthouse, Prosser, Washington 99350-0954
 Phone -(509) 736-3084 / 786-5611 Fax -(509) 786-5627

BOAM 1.12

Application No. 2014-012

APPLICATION FOR ENCGROACHMENT PERMIT
ROAD APPROACH

SECTION 1.

NAME OF APPLICANT Tyler Tapani DATE 1-16-2014
 (Please type or print)

The undersigned hereby applies for permission to encroach upon County road right of way by constructing and maintaining an approach to Badger Canyon Road Road in accordance with RCW 38.75.130 and Benton County Resolution 72.219. Planned starting date 1-20-2014 (construction). If an encroachment permit is issued, the applicant agrees to strictly comply with the provisions, conditions, and specifications therein, commence construction within thirty (30) days of issuance, and will diligently prosecute the work to completion within the time for completion specified in the permit.

LEGAL DESC.: Lot West half of NW quarter of NE quarter, lying westerly of line 14 Blk. 114 Subd. 114 Sec. 18 T. 8 R. 28

Address of property (if known): not yet Property Use: Single Family Res.

Address of applicant: 1427 N Young St A-7 Kenn 99336 Phone: 509-440-3873
 Signed: [Signature] Title: OWNER

PLEASE ATTACH SKETCH OF PROPOSED APPROACH SHOWING COUNTY ROADS
also attached is ELM easement print

SECTION 2.

Subject to all the terms, conditions, and provisions written or printed below or any part of this form, including the reverse side, PERMISSION IS HEREBY GRANTED the above applicant to: construct and maintain an approach for the property described above. Layout and construction shall conform with attached Benton County Standard Plan Nos. 96-05 and the current edition of "State of Washington Standard Specifications for Road, Bridge, and Municipal Construction". A bond in the amount of NA is required to insure compliance with the above conditions, said bond to be kept in full force and effect for a period of NA following completion of work authorized by this permit. No work shall be done under this permit until the party or parties to whom it is granted shall have communicated with and received instruction from Norm Childress, Engineering Serv. Mngr., phone 786-5611 or 736-3084. This permit shall be void unless work herein contemplated shall have been completed before, Existing 20. A \$100.00 fee will be required for re-issuance of this permit.

APPROVED BY: [Signature] Date: 1-21-14

Special requirements of specifications not shown on attached standard plan sheet(s).
Existing paved access onto Badger Canyon Road via 99 PRSE.

Contact the Benton County Public Works Department for final inspection of approach at least 10 days prior to expected occupancy.

SECTION 3

FINAL PERMIT - ROAD APPROACH

A final inspection has been completed and the applicant has completed the approach described in the above application in accordance with all applicable design and construction standards.

ENCROACHMENT PERMIT NO. 2014-012 IS HEREBY GRANTED TO Tyler Tapani

APPROVED BY: [Signature] DATE: 1-21-14
 Engineering Services Manager

Benton County
 Planning Department

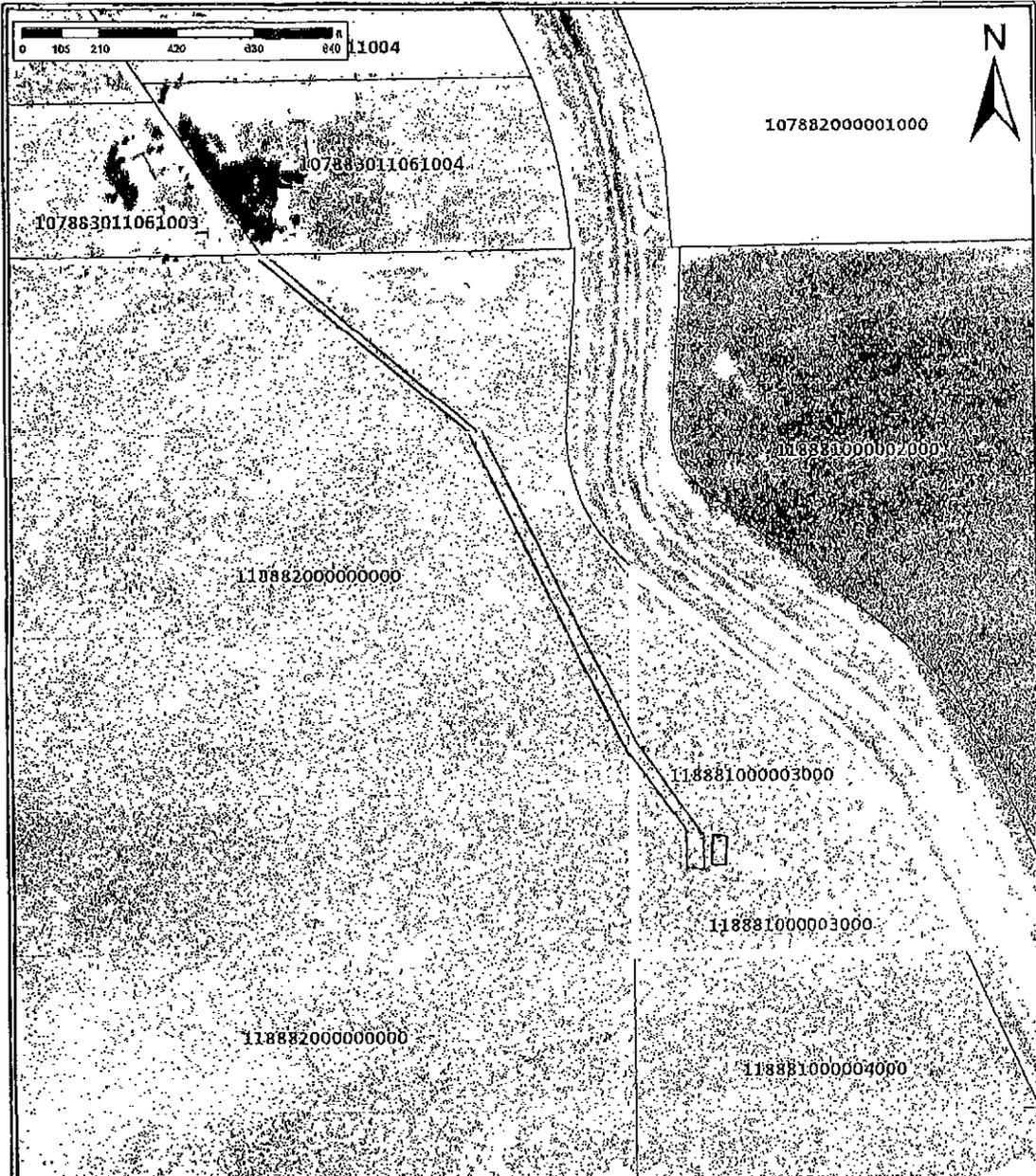
APR 21 2014

RECEIVED

RECEIVED

APR 21 2014

Benton County
 Planning Department



Map Title

Date: 7/16/2014

This map is a public record. It is provided as a service to the public and is not intended to be used as a legal document. The information on this map is derived from public records and is not guaranteed to be accurate. Benton County assumes no liability for any errors or omissions on this map. For more information, please contact the Benton County Assessor's Office at 333 E. Benton County, Washington.

Legend

-  Property Parcels
-  County Boundary



Benton County WASHINGTON

For more maps and information resources, visit us at:
<http://bentonpropertymap.gov/infocenter>

1004-1004

115 20 2019

Dept of Land Mgmt
Spokane District

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Spokane District
Serial Number
WAOR 61004

- 1. A (right-of-way) (permit) is hereby granted pursuant to:
 - a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
 - b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
 - c. Other (describe) _____

2. Nature of Interest:

a. By this instrument, the holder Tyler Tapani receives a right to construct, operate, maintain, and terminate a road access right-of-way on public lands (or Federal land for M.L.A. Rights-of-Way) described as follows:

Willamette Meridian, Benton County, Washington

T. 8 N., R. 28 E., sec. 18, NE¼NW¼.

- b. The right-of-way or permit area granted herein is 25 feet wide, 1,245 feet long and contains .71 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on December 31, 2042, 29.3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest. (*see page 2.)
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

(Continued on page 2)

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) Exhibits A & B, dated 08/20/2013, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

*2.d. If a right-of-way does not specify that it is renewable, the holder may still request that it be renewed. However, the BLM is under no obligation to do so. The application must be made at least 120 days prior to expiration using form SF-299.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit

[Signature]
(Signature of Holder)

[Signature]
(Signature of Authorized Officer)

OWNER
(Title)

Border Field Manager
(Title)

8/29/13
(Date)

8/27/13
(Effective Date of Grant)



SAFECO TITLE INSURANCE COMPANY

Filed for Record at Request of

VOL 358 PAGE 591

THIS SPACE RESERVED FOR RECORDER'S USE

769460

SEP 11 12 10 PM '78

VERNER MILLER, AUDITOR
DEPUTY 858
RECORDER IN CHIEF

INDEXED BY *[Signature]*
CHECKED BY *[Signature]*

57/205

NAME SAFECO TITLE INSURANCE COMPANY

ADDRESS _____

CITY AND STATE _____

EA-10284/5297-

STATUTORY WARRANTY DEED

4.00
75.00
730.00

THE GRANTOR ROBERT W. COX and RUBY E. COX, husband and wife,
for and in consideration of Ten Dollars (\$10.00) and other valuable consideration,
in hand paid, conveys and warrants to BARRATT RANCHES, INC., an Oregon corporation,
the following described real estate, situated in the County of Benton, State of Washington:

SAFECO TITLE INSURANCE COMPANY

SEP-11-78 25351 • •77619 -- II -- 730.0
(See attached Exhibit "A" for legal description)
77610 BENTON COUNTY EXCISE TAX

SUBJECT TO: Easements, reservations, restrictions, covenants and conditions of record, matters relating to water and water rights and liability to future assessments by Kennewick Irrigation District.

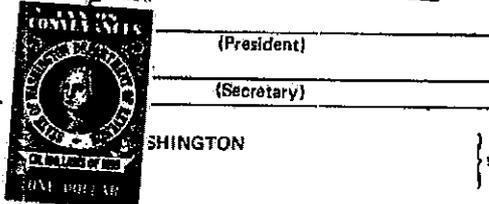
Dated August 30, 1978

Robert W. Cox
(Individual)
Ruby E. Cox
(Individual)



(President)
(Secretary)

STATE OF WASHINGTON } ss.
COUNTY OF Benton



On this day personally appeared before me ROBERT W. COX and RUBY E. COX

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged the same to be their own free and voluntary act and deed, for the uses and purposes therein expressed.

and _____
to me known to be the _____ President
and _____ Secretary, respectively, of

GIVEN UNDER MY HAND and official seal this 30th day of August, 19 78

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Carley M. France
Notary Public in and for the State of Washington, residing at Kennewick

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington, residing at _____

EXHIBIT "A"

ROBERT W. and RUBY E. COX to BARRATT RANCHES, INC., an Oregon corporation

LEGAL DESCRIPTION:

That portion of the West Half of Section 7, Township 8 North, Range 28 East, W.M., Benton County, Washington, lying Westerly of the Kennewick Irrigation Main Canal right-of-way and Southerly of the following described line:

Commencing at the West Quarter corner of said Section 7, thence South 00°24'48" East, along the West line of said Section 7, for 1079.33 feet to the True Point of Beginning of the hereinafter described line; thence North 89°08'12" East for 1277.00 feet to the Westerly margin of the Kennewick Irrigation District Main Canal right-of-way and the Terminus of the hereinabove described line; containing 80.000 acres.

TOGETHER WITH AND SUBJECT TO an easement for ingress and egress over and across a strip of land 60 feet in width, 30 feet of such width on each side of the following described centerline:

An easement for ingress and egress over and across a strip of land 60 feet in width, 30 feet of such width on each side of the following described centerline:

That portion of the West Half of Section 7, Township 8 North, Range 28 East, W.M., Benton County, Washington, described as follows:

Commencing at the West Quarter corner of said Section 7; thence North 00°24'57" West, along the West line of said Section 7, for 712.93 feet to the Southerly right-of-way margin of Badger Canyon Road; thence North 54°22'33" East, along the South right-of-way margin of Badger Canyon Road, for 281.35 feet to the True Point of Beginning of the hereinafter described line:

Thence South 35°37'27" East for 277.13 feet; thence South 18°42'58" East for 335.55 feet; thence South 39°04'58" East for 885.57 feet; thence South 25°17'28" East for 367.46 feet; thence South 11°35'28" East for 1070.61 feet to Point "A"; thence South 11°35'28" East for 174.24 feet; thence South 34°50'13" East for 884.11 feet to the South line of the West Half of said Section 7 and the Terminus of the hereinabove described line.



WHEN RECORDED RETURN TO:
TYLER J. AND EVA TAPANI
86316 E LOCUST GROVE ROAD
KENNEWICK, WA 99338

Cascade Title
has placed this document of record
as a customer courtesy and accepts
no liability for accuracy or validity of
this document

14-198

DOCUMENT TITLE(S):
ROAD MAINTENANCE AGREEMENT

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR:
PROPERTY OWNERS OF PRSE 99

GRANTEE:
TYLER J. TAPANI and EVA TAPANI

ABBREVIATED LEGAL DESCRIPTION:

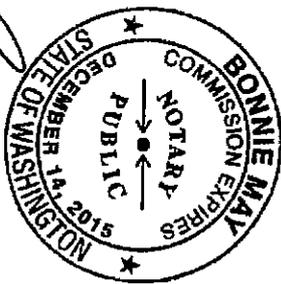
PTN OF NE/18/8/28

TAX PARCEL NUMBER(S):
1-1888-100-0003-000

The undersigned agree to maintain the access road (PR 99 SE) serving the below referenced landowners.
This document is not a contract but merely a commitment to insure the integrity and usability of this road by mutual agreement and / or action by the undersigned owners.
This agreement is intended to be binding on successors, heirs and assigns of owners of said properties, ingress egress easement as delineated on Exhibit "A" attached hereto and incorporated herein.

Last Name	First Name	Spouse	Parcel ID#	Address	Signature	Spouse Date	Contact Address
Walden	John	Roseann	10788201061819611	S Badger Canyon Rd	<i>[Signature]</i>		9611 S Badger Canyon Rd
Morris	Jerome D		107882012168162204	E 99 PR SE	<i>[Signature]</i>		62204 E 99 PR SE
Hall	Dennis L	Ginger	107882012168162310	E 99 PR SE	<i>[Signature]</i>		62310 E 99 PR SE
Moore	Megan		107882012168162308	E 99 PR SE	<i>[Signature]</i>		62308 E 99 PR SE
Thornon	Diane		107882013315162209	E 99 PR SE	<i>[Signature]</i>		62404 E 99 PR SE
Burton	Udell		107882013315162605	E 99 PR SE	<i>[Signature]</i>		62209 E 99 PR SE
Voet	Terry L	Sharon L	107883010892163006	E 99 PR SE	<i>[Signature]</i>		62605 E 99 PR SE
Walsh	Curtis L	Mary Ellen	107883010892163108	E 99 PR SE	<i>[Signature]</i>		PO Box 1764, Richland
Frakes	Shallmar		107883010892163208	E 99 PR SE	<i>[Signature]</i>		63108 E 99 PR SE
Boyd	John F	Mary E	107883010892163404	E 99 PR SE	<i>[Signature]</i>		63208 E 99 PR SE
Carlson	Shirley M		107883010892163404	E 99 PR SE	<i>[Signature]</i>		63404 E 99 PR SE
Moore	Martin	Debra	107883010892163417	E 99 PR SE	<i>[Signature]</i>		4928 Everest Ave, Richland
Walsh	Dann		107883011058164115	E 99 PR SE	<i>[Signature]</i>		63417 E 99 PR SE
Dykes	Randy	Colleen	107883011058164217	E 99 PR SE	<i>[Signature]</i>		64115 E 99 PR SE
Dykes	Randy	Colleen	107883011058164217	E 99 PR SE	<i>[Signature]</i>		64217 E 99 PR SE
Phillips	Timothy S	Jana L	107883011059163605	E 99 PR SE	<i>[Signature]</i>		64217 E 99 PR SE
Vogler	Kenneth H	Suzette A	107883011059163611	E 99 PR SE	<i>[Signature]</i>		PO Box 1870, Richland
Anthony	Kell L		107883011060163706	E 99 PR SE	<i>[Signature]</i>		63611 E 99 PR SE
Walsh	Dann		107883011061164115	E 99 PR SE	<i>[Signature]</i>		63706 E 99 PR SE
Dykes	Randy	Colleen	107883011061164217	E 99 PR SE	<i>[Signature]</i>		64115 E 99 PR SE
Lampman	Louis R	Colleen	107883011061164405	E 99 PR SE	<i>[Signature]</i>		64217 E 99 PR SE
Rowlette	Jason L	Tammy L	107883011061164804	99 PR SE	<i>[Signature]</i>		64405 E 99 PR SE
Sweet	Shirley Diane		107883011489162405	E 99 PR SE	<i>[Signature]</i>		64710 99 PR SE
Carlson	Arthur S	Kathleen	107883011489163005	E 99 PR SE	<i>[Signature]</i>		62405 E 99 PR SE
Lantz	Christian R	Laurel D	107883012408163506	E 99 PR SE	<i>[Signature]</i>		63005 E 99 PR SE
Seeger	Charles	Lisa	107883012408163804	E 99 PR SE	<i>[Signature]</i>		63506 E 99 PR SE
Marlin	Britt R	Alice E	107883012511164004	E 99 PR SE	<i>[Signature]</i>		63804 E 99 PR SE
Marlin	Britt R	Alice E	107883012511164008	E 99 PR SE	<i>[Signature]</i>		64004 E 99 PR SE
Marlin	Britt R	Alice E	107883012511164008	E 99 PR SE	<i>[Signature]</i>		64008 E 99 PR SE
Rheinschmitt	Matthew J	Julia A	107883012511164606	E 99 PR SE	<i>[Signature]</i>		64008 E 99 PR SE
Tapani	Tyler J	Eva	1188810000034	E 99 PR SE	<i>[Signature]</i>		64605 E 99 PR SE

Phone Number: 946-8873
Nor on QR 99 SE
Richland, Lillard. *[Signature]*



[Signature]
3-19-14

Print Form

BOAR 1.1

RECEIVED

MAR 25 2014

BENTON COUNTY
BUILDING DEPT

RECEIVED

MAR 27 2014

BENTON COUNTY PLANNING DEPARTMENT VARIANCE APPLICATION

FILE NO. VAE 2014-001

Benton County
Planning Department

1. Name and address of applicant: Tyler Tapani, 86316 E Locust Grove, Kennewick, WA 99338

Telephone Number 509.440-3273

2. Legal owners name and address: Tyler J & Eva Tapani, 86316 E Locust Grove, Kennewick, WA 99338

Telephone Number 509.440-3273 / Tyler@ttapconstruction.com

3. Legal description or Parcel Number of property for which variation permit is for:
Parcel 118881000003000. Section 18 Township 8 Range 28: The West half of the Northwest quarter of the Northeast quarter lying Westerly of canal

4. Section of the zoning ordinance under which it is claimed that a variation should be granted. (To be completed by the Planning Department) _____

5. A variation is being requested for the purpose of: Construction of Single Family Home

6. What is the minimum variation that will alleviate hardship?

We have a BLM approved right-of-way, serial #WAOR61004, granted August 27, 2013 for access to our property. We would like to use this right-of-way to build and access our home.

ACCESS

7. Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building that prevent compliance with the zoning ordinance? If so, explain:

No

8. Does strict application of the zoning ordinance deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification? If so, explain:

We would ask that we be allowed to construct our home on our property that is served by the 30 year easement referenced above.

6. The property Will be Served by:

Water	<input type="text" value="Individual Well"/>
Sewer	<input type="text" value="Septic System"/>
Power	<input type="text" value="Benton Co. PUD"/>
Irrigation	<input type="text" value="Private"/>
Natural Gas	<input type="text" value="No"/>
Telephone	<input type="text" value="Centurylink"/>

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

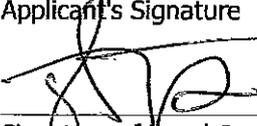
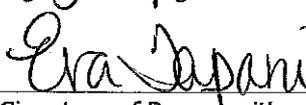
11. Zoning Classification of property involved: Land Use: 10'x 10' Dry Pasture

COMMENTS OR PERTINENT INFORMATION:

Attached: Right-of-way Grant, & Exhibits A & B

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

SIGNATURE BLOCK FOR INDIVIDUALS ONLY

Applicant's Signature

Signature of Legal Owners

Signature of Person with additional ownership interest

Print Name
TYLER TAPANI
Print Name
Eva Tapani

Date
3/25/14
Date
3/25/14

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.

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

Applicant's Name _____ Print Name & Title _____ Date _____

Applicant's 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.

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 VARIANCE REQUEST FEE OF \$250.00 MUST BE SUBMITTED WITH THE APPLICATION. THIS FEE IS NON-REFUNDABLE. PLEASE MAKE THE CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.

FOR OFFICIAL USE ONLY:
Critical Area Review Completed by [Signature] on 3/27/2014
Application approved for processing by [Signature] on 3/27/2014
Zoning RL5 Comp Plan Designation _____



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Spokane District Office
1103 N. Fancher Road
Spokane Valley, Washington 99212-1275

BOAR 1.2

RECEIVED

IN REPLY REFER TO:

WAOR 61004
2800 (ORW030)

MAR 27 2014

Benton County
Planning Department

August 27, 2013

CERTIFIED MAIL - Return Receipt No. 7011 0470 0003 6621 8781

DECISION

Mr. Tyler Tapani :
47314 S. Clodfelter Road : Right-of-Way Grant WAOR 61004
Kennewick, WA 99338 :

Right-of-Way Grant WAOR 61004 Issued
Rental Determined
Monitoring Fee Determined

I have reviewed the documentation for this proposal (DOI-BLM-OR-135-2013-013), and have determined that authorizing a right-of-way for this use would be categorically excluded from NEPA. Under authority of Title V of the Federal Land Policy and Management Act of 1976, a right-of-way grant will be issued to Tyler Tapani approving the authorization of an existing road on public land in Benton County, Washington. The road access, improvement, and maintenance granted herein is 25 feet wide, 1,245 feet long and contains .72 acres.

Enclosed is a copy of your executed right-of-way (ROW) grant, serial number 61004, which allows the authorized use of an existing road on public land. The right-of-way grant was approved by the Bureau of Land Management (BLM) on August 27, 2013.

The advance rent for the ROW was determined to be \$ 1,363.71 for the entire period of the grant to December 31, 2042. The monitoring fee for the ROW was determined to be Category 1, resulting in a fee of \$117.00 for a total amount of \$1,480.71. Both of these amounts have been received and a receipt is enclosed.

The issuance of this right-of-way grant may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4 and the enclosed

Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of proof of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions about this decision or the enclosed right-of-way grant, please contact Heidi Lee Honner, Realty Specialist at (509) 536-1216.

Sincerely,



Linda Clark
Field Manager
Border Field Office

3 Enclosures

- 1 - Right-of-way grant, map, and stipulations
- 2 - Receipts for the monitoring fee and rent payment
- 3 - Form 1842-1

RECEIVED

AUG 26 2013

Bureau of Land Mgmt.
Spokane District

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Spokane District
Serial Number
WAOR 61004

BOAR 1.3

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

a. By this instrument, the holder Tyler Tapani receives a right to construct, operate, maintain, and terminate a road access right-of-way on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Willamette Meridan, Benton County, Washington

T. 8 N., R. 28 E., sec. 18, NE¼NW¼.

RECEIVED

MAR 27 2014

Benton County
Planning Department

- b. The right-of-way or permit area granted herein is 25 feet wide, 1,245 feet long and contains .72 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on December 31, 2042, 29.3 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest. (*see page 2.)
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

(Continued on page 2)

3. Rental:

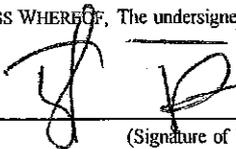
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

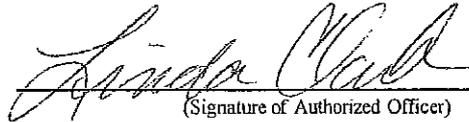
- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) Exhibits A & B, dated 08/20/2013, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

*2.d. If a right-of-way does not specify that it is renewable, the holder may still request that it be renewed. However, the BLM is under no obligation to do so. The application must be made at least 120 days prior to expiration using form SF-299.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.



(Signature of Holder)



(Signature of Authorized Officer)

OWNER

(Title)

Borders Field Manager

(Title)

8/23/13

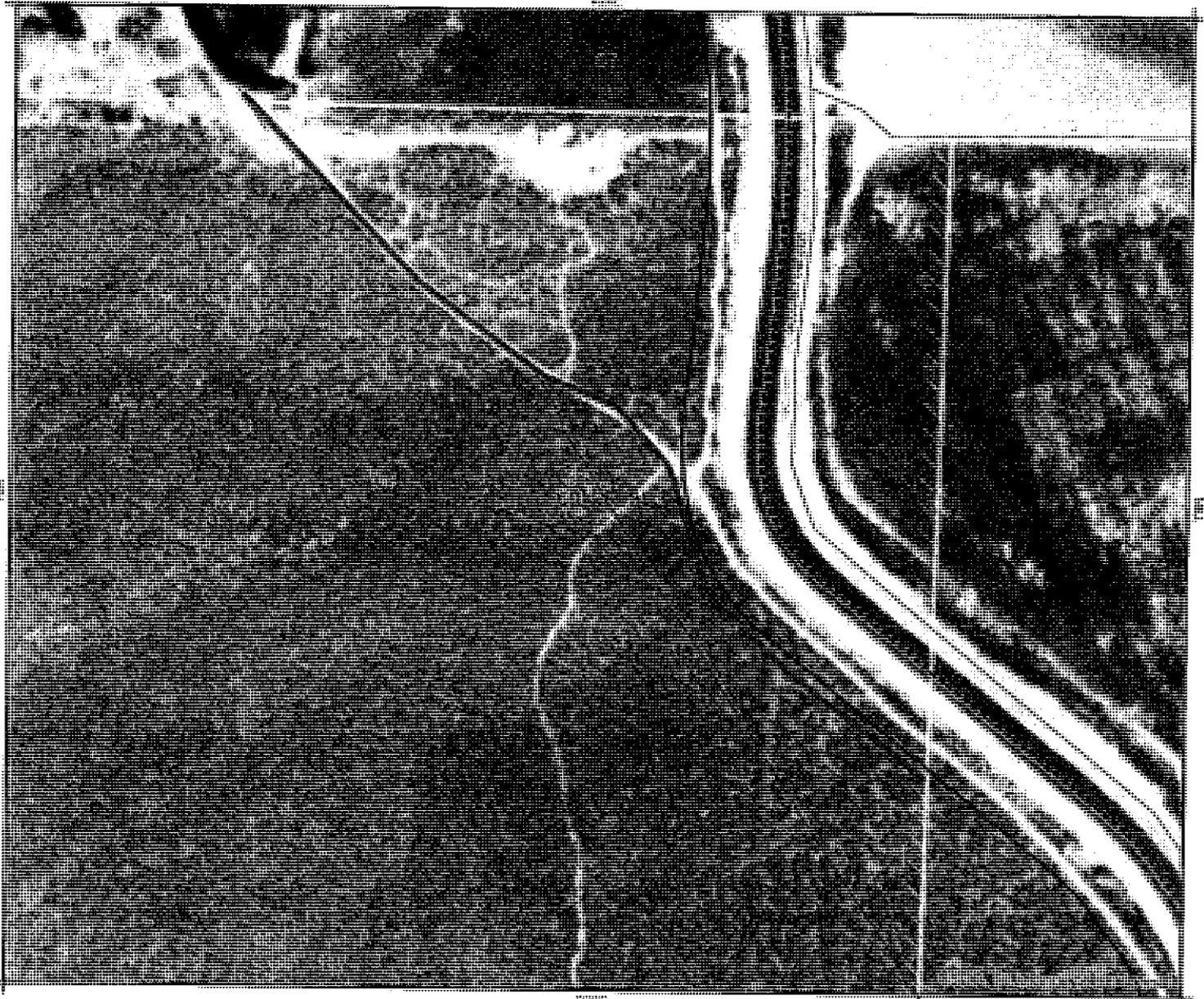
(Date)

8/27/13

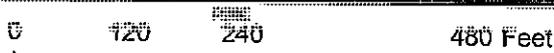
(Effective Date of Grant)

Exhibit A
 WAOR 61004 - Tyler Tapani
 Road Access Right-of-Way

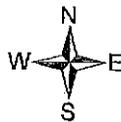
BOAR 1.4



August 20, 2013



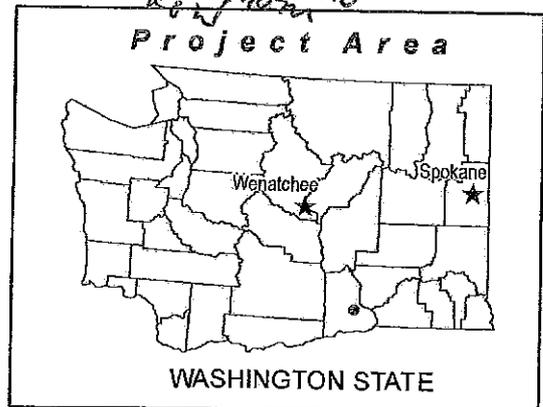
Approved to meet minimum distance from Canal Row
SEE #6 EXHIBIT B



Willamette Meridian,
 Benton County, Washington
 T. 8 N., R. 28 E., sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$
 1,245 feet long, 25 feet wide, .72 acres

Legend

-  KID-Canals
-  Access Road
-  KIDCanals_Buffer
-  Minor road
-  BLM Lands



USDI - Bureau of Land Management
 Spokane District Office
 1103 N. Fancher Rd.
 Spokane Valley, WA 99212
 (509) 536 - 1200

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources and may be updated without notification.

22. Control and remove any release or discharge of hazardous material on or near the right-of-way arising in connection with your use and occupancy of the right-of-way, whether or not the release or discharge is authorized under the grant. You must also remediate and restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other Federal, State, Tribal, or local agency having jurisdiction over the land, resource, or hazardous material.
23. Holder shall comply with Toxic Substances Control Act of 1976, as amended, (15 U.S.C. 2601 et seq (1982)), regarding any toxic substances that are used, generated, or stored on the right-of-way or in facilities authorized by this grant (40 CFR 702-799, especially see polychlorinated biphenyls, 40 CFR 761). Any release (leaks, spills, etc.) of toxic substances in excess of the reportable quantity established by 40 CFR 117, shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any federal or state agency as a result of a reportable release of toxic substances shall be furnished concurrently to the Authorized Officer.
24. Holder agrees to indemnify the United States against any liability arising from the release or threatened release of any hazardous substance or hazardous waste (as defined in Comprehensive Environmental Response Compensation & Liability Act of 1980, 42 U.S.C. 9601, et seq., or the Resource Conservation & Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to Holder's activity on the right-of-way). This agreement applies to releases caused by Holder, its agents, or unrelated third parties.
25. The Authorized Officer (AO) may order revocation or suspension of this grant, after notice and hearing, upon a final administrative finding of a violation of any term or condition of this grant, including, but not limited to, terms and conditions requiring compliance with regulations under Acts applicable to the public lands and compliance with applicable State or Federal air or water quality standard or implementation plan: Provided, That such violation occurred on public lands covered by this grant and occurred in connection with the exercise of rights and privileges granted by it: Provided further, That the AO shall terminate any such suspension no later than the date upon which he determines the cause of said violation has been rectified: Provided further, That the AO may order an immediate temporary suspension prior to a hearing or final administrative finding if he determines that such a suspension is necessary to protect health of safety or the environment: Provided further, That where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the public lands, the specific provisions of such law shall prevail.
26. Holder shall apply for amendment of this right-of-way grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the rights herein granted.

August 20, 2013

27. Non-use of this right-of-way for five (5) consecutive years shall be deemed abandonment, and the grant shall be terminated.
28. You are required to contact the Authorized officer in the event of a name change or address change.
29. Holder shall apply for amendment of this right-of-way grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the rights herein granted.
30. Upon termination of the grant, whether by default, abandonment, or the running of the term, Holder shall remove its personal property or improvements of any kind and restore the land to its original condition, within six months. Improvements not removed shall be considered abandoned and disposed of accordingly. Holder shall remain liable for costs of removal and/or restoration of the land.
31. Cultural Values

If cultural and/or paleontological resources are discovered during operations, activity in the vicinity of the cultural resource will cease and a BLM representative will be notified immediately to assess the significance of the resource. Pursuant to 43 C.F.R. 10.4 the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, the project leader/operator/permittee/etc. must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures that are made by the authorized officer (BLM).

The project leader/operator/permittee/etc. is responsible for informing all persons associated with this project that they will be subject to prosecution for knowingly disturbing Native American Indian shrines, historic and prehistoric archaeology sites, or for collecting artifacts of any kind, including historic items and/or arrowheads from Federal lands pursuant to the 1906 American Antiquities Act (P.L. 59-209; 34 Stat. 225; 16 U.S.C. 432, 433), the Archaeological Resources Protection Act of 1979 (P.L. 96-95; 93 Stat. 721; 16 U.S.C. 470ee as amended), and/or other federal laws.

32. Weeds

The Holder shall be responsible for weed control of all invasive/noxious weed species within the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods, and shall comply with the following:

August 20, 2013

Use of pesticides shall comply with all applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of the pesticides, the Holder shall obtain from the Authorized Officer, written approval of a Pesticide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.

Applicator(s) of chemicals used must have completed the pesticide certification training and have a current up to date Certified Pesticide Applicator's License.

Pesticide Application Records for the areas and acres treated must be submitted to the BLM Border Field Office each year. This includes the following:

- Brand or Product name
- EPA registration number
- Total amount applied (use rate #A.l./acre)
- Date of application
- Location of application
- Size of area treated
- Method of treatment (air/ground)
- Name of applicator
- Certification number
- Amount of surfactants or dyes used in spraying operation

The record information must be recorded no later than 14 days following the pesticide application and must be maintained for ten years.

August 20, 2013

BOAR 1.5

RECEIVED

Exhibit B
Right-of-Way Renewal WAOR 61004
Stipulations

MAR 27 2014

Benton County
Planning Department

By accepting a grant, you agree to comply with and be bound by the following terms and conditions. During construction, operation, maintenance, and termination of the project you must:

1. This grant is subject to the provisions, limitations, and conditions of Title V, P. L. 94-579, Act of October 21, 1976, 90 Stat. 2776.
2. Holder shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
3. Unless Holder chooses to pay the full amount of rent in advance for the term of the grant, rent shall be paid in advance for a period of ten (10) years, subject to the Bureau of Land Management's (BLM) right to reappraise and collect additional fair market value rental when warranted.
4. There is, reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional right-of-ways or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
5. The drivable surface of the road shall not exceed 15 feet in width.
6. A minimum distance of 125 feet from the center of the Kennewick Irrigation District's canal must be maintained when reconstructing the current dirt road.
7. Vegetation removal shall be limited to area required for the road prism.
8. The Authorized Officer, or his representative, may at any time inspect the onsite construction, maintenance, and operation of Holder's project. Officials of State and other Federal agencies may also inspect such activities if necessary to the performance of official duties relating to the project. The right to inspect includes the right to use private roads belonging to Holder in order to reach the site.
9. Holder, at least fifteen (15) days prior to start of construction, reconstruction, or any surface disturbing activity shall notify the Authorized Officer of the intent to proceed with such work, the date it is to commence, and the delegated representative of Holder. Such delegated representative is the person authorized by Holder to carry out the terms and conditions of the grant and act on behalf of Holder. The notice of the delegated representative shall include a current mailing address and telephone number.

August 20, 2013

10. Holder shall remove and dispose of all construction, operation, or maintenance-generated waste in a manner consistent with federal, State, and local laws. Waste means all discarded matter, including, but not limited to human waste, trash, garbage, refuse, containers, unused products, and equipment.
11. The United States will not be liable for any damage that may occur to facilities authorized by this grant as a result of fire, wind, or other natural disasters, or as a result of its management of the public lands. If it becomes necessary to move, relocate, or replace Holder's facilities because of federal land management activities, Holder shall bear the costs incident thereto.
12. To the extent practicable, comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use.
13. Rebuild and repair roads, fences, and established trails destroyed or damaged by the project and or use by row holder.
14. Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area.
15. Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate.
16. Assume full liability if third parties are injured or damages occur to property on or near the right-of-way (see 43 CFR Sec. 2807.12 of this part).
17. Restore, re-vegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary.
18. Control or prevent damage to scenic, aesthetic, cultural, and environmental values, including fish and wildlife habitat, public and private property, and public health and safety.
19. Ensure that you construct, operate, maintain, and terminate the facilities on the lands in the right-of-way in a manner consistent with the grant.
20. Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant.
21. Immediately notify all Federal, State, Tribal and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared.

**CONDITIONAL USE
PERMIT**

CUP 2014-001

**APPLICANT
DANNY/DANI
FLANAGAN**

**EXHIBIT LIST FOR CUP 2014-001
 APPLICANT: DANNY/DANI FLANAGAN**

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	April 11, 2014
	BOAM 1.2	Notice of Public Hearing	April 9, 2014
	BOAM 1.3	Benton PUD Comments	April 10, 2014
	BOAM 1.4	Benton County Public Works Comments	April 16, 2014
	BOAM 1.5 to BOAM 1.8	Pictures of the site taken by the Benton County Planning Department	April 16, 2014
	BOAM 1.9	Phil Shepard Comments	April 18, 2014
	BOAM 1.10 to BOAM 1.18	Phil Shepard pictures of the site	April 18, 2014
	BOAM 1.19	Benton County Aerial of the site	April 4, 2014
BOARD OF ADJUSTMENT RECORD EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit Application	March 4, 2014
	BOAR 1.2	Site plan submitted by the applicant	March 4, 2014
	BOAR 1.3	Site plan submitted by the applicant	March 4, 2014
	BOAR 1.4	Benton County Assessor's Map of the site	February 27, 2014
	BOAR 1.5	Google Earth Map submitted by the applicant	March 4, 2014
	BOAR 1.6	Google Earth Map submitted by the applicant	March 4, 2014
BOARD OF ADJUSTMENT HEARING EXHIBIT LIST MAY 1, 2014			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAH 1.1		

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: APRIL 11, 2014
MEETING DATE: MAY 1, 2014
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: CONDITIONAL USE PERMIT APPLICATION- CUP 2014-001

APPLICANTS

PROPERTY OWNERS: DANNY & DANI FLANAGAN
201104 E. BOWLES RD.
KENNEWICK, WA 99337-6723

SPECIFIC REQUEST

The applicants are requesting approval of a Conditional Use Permit for the operation of the following businesses to be conducted on the same parcel: (1) Vehicle/furniture upholstery repair and (2) retail tool sales business.

BACKGROUND

Site Location: The site is located at 201104 Bowles RD. Kennewick, WA 99337-6723 on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. on a 1.25 acre site.

Land Use: The site is currently developed with a single-family dwelling, an accessory building and several storage containers. The surrounding areas are a mixture of residential dwellings and agricultural uses.

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

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

(1) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(2) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

(3) The business activity, including all storage space, shall not occupy more than eighteen hundred (1800) square feet of total floor area within the detached accessory building.

(4) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.16A.050(w)(3).

(5) No more than two (2) non-illuminating signs, with a maximum area for four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(6) 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 business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, pain, inoperable vehicles, and heavy equipment that are related to the business.

(7) 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 Health District, 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.

(8) Adequate off-street parking, as determined by the Board of Adjustment must be provided.

(9) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(10) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Board of Adjustment.

(11) The business activity does not require a marijuana processor or retailer license from the Washington State Liquor Control Board.

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 property owners/applicants are Danny & Dani Flanagan. The site is located at 201104 Bowles RD. Kennewick, WA 99337-6723 on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. on a 1.25 acre site.
2. The applicants are requesting approval of a Conditional Use Permit for the operation of the following businesses to be conducted on the same parcel: (1) Vehicle/furniture upholstery repair and (2) retail tool sales business. The building to be used is a 36'X48' for a 1728 sq. ft. accessory building. A building up to 1800 sq. ft. is allowed to be used as a business activity.
3. The application for CUP 2014-001 was submitted to Benton County on March 4, 2014 and deemed incomplete on March 7, 2014. The applicant was resubmitted and deemed complete for processing on April 11, 2014.
4. The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 2014-001 was published on April 14, 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 May 1, 2014.
5. Conditional Use Permit CUP 2014-001 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. The Benton-Franklin Health District comments: This office has no objections to the proposal provided no non-resident employees are required for this enterprise. Should non-resident employees be necessary the site must be served by an approved public water system in accordance with WAC 246-291 and an approved on-site sewage system in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.

10. The applicant has requested that the business hours of operation be Monday thru Friday, 8:00 a.m. to 8:00 p.m.

11. The approach onto Bowles would have to be paved to Benton County Standard Plan 96-05.

12. If this application is approved, the Planning Department would recommend that the Board of Adjustment emphasize that the site must be cleaned up and that any or all waste created in association with the business as a result of this conditional use permit be disposed of off-site in a timely manner.

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 CUP 2014-001, 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. Applicants shall not conduct any of the activities within the scope of Conditional Use Permit CUP 2014-001 until the applicants are in compliance with the following conditions. 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. For zoning restrictions, all of the business activities must be conducted and contained to the accessory building shown on the site plan submitted with the application.

4. No parking within any part of the county road right of way will be allowed. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-001 is in effect.

5. The presence of customers/clients at the business activity shall be limited to Monday thru Friday, 8:00 a.m. to 8:00 p.m. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-001 is in effect.

6. That the property owners/proprietors of the business shall comply with all the requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, the Benton County Code Enforcement Department and any or all other local, state and federal regulations pertinent to this conditional use permit. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations.

7. 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. The

applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2014-001 is in effect.

8. Any current county land use violations on the property must be resolved prior to the issuance of this conditional use permit.

9. A letter of compliance from the Benton County Code Enforcement Officer must be obtained and submitted to the Planning Department prior to issuance of the conditional use permit.

10. All conditions of BCC 11.16A.050(u) must be continue to comply with.

Benton County Planning Department BOAM 1.2

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 2014-002 – The applicant is requesting a conditional use permit for the crushing of concrete waste existing on site. This material needs to be removed from the current stockpile area along the East side of Demoss Road. The application was submitted on March 13, 2014 and deemed complete for processing on March 17, 2014. The site is located along the eastern right-of-way of North Demoss Road, Benton City, WA 99320 in the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 27 East, W.M. Applicant: Walt Meglasson

VARIANCE REQUEST – VAR 2014-001 – The applicant is requesting a variance from BCC 11.52.060(3) to allow access to a single parcel of land on a 5.2 acre site that does not have a perpetual, non-exclusive access easement. Access across the United States Department of the Interior – Bureau of Land Management property is needed for an ingress and egress right-of-way. The application was submitted on March 27, 2014 and deemed complete for processing on March 27, 2014. The site is located in the West Half of the Northwest Quarter of the Northeast Quarter, lying westerly of the canal in Section 18, Township 8 North, Range 28 East, W.M. Applicants: Tyler/Eva Tapani.

CONDITIONAL USE PERMIT – CUP 2014-001 – The applicant is requesting a conditional use permit for the operation of the following business to be conducted on the same site (1) vehicle and furniture upholstery repair business and (2) a retail tool sales business. The application was submitted on March 4, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

VARIANCE REQUEST – VAR 2014-002 – The applicant is requesting a seven (7) foot variance to BCC 11.16A.080(4) which is a setback of ten (10) feet from the sideyard property line for the location of an existing storage container. The application was submitted on April 2, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

NOTICE IS GIVEN that said application(s) will be considered by the Board of Adjustment of Benton County, Washington at the public hearings on **Thursday, May 1, 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 9th day of April, 2014.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

A handwritten signature in black ink, appearing to read "Clark A. Posey", written over a horizontal line.

CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Monday, April 14, 2014

From: Rick Sunford <sunfordr@bentonpud.org>
Sent: Thursday, April 10, 2014 8:44 AM
To: Planning Department
Subject: RE: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

No comment

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Wednesday, April 09, 2014 2:26 PM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Columbia Irrigation District; Charter; Ken Klander; Rick Sunford; Jeff Vosahlo; David Smith; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org)
Subject: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

Attached to this email are two utility review letters for comment. Please submit comments back to the Planning Department within the seven (7) day review period. If you need additional information, please contact the Benton County Planning Department.

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

APR 10 2014

Benton County
Planning Department

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

From: Jeff Liner
Sent: Wednesday, April 16, 2014 2:39 PM
To: Planning Department
Subject: RE: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

We have one Comment

- 1) If the approach is not already paved it will need be paved and meet the requirements of Benton County Public Works Standard detail 96-05

Thanks,

Jeff Liner

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

From: Planning Department
Sent: Wednesday, April 09, 2014 2:26 PM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Columbia Irrigation District; Charter; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org)
Subject: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

Attached to this email are two utility review letters for comment. Please submit comments back to the Planning Department within the seven (7) day review period. If you need additional information, please contact the Benton County Planning Department.

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

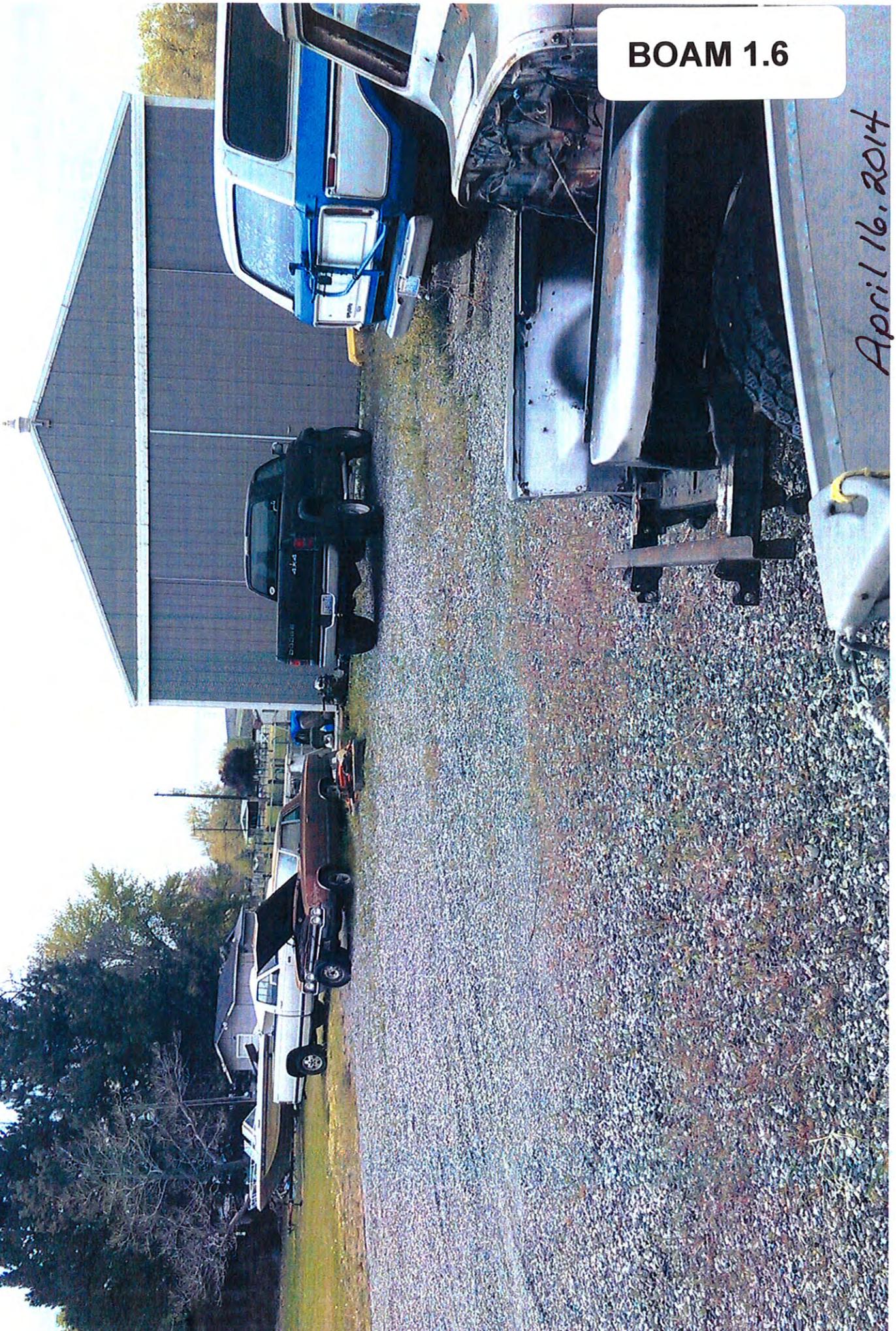
BOAM 1.5

April 16, 2014



BOAM 1.6

April 16, 2014



BOAM 1.7

April 16, 2018



BOAM 1.8

April 16, 2017



4/18/2014

Benton County Planning Dept.
PO Box 910
Prosser WA 99350

Mike Shuttlesworth:

Re: Dan Flanagan/Business License

I have no problem with Mr. Flanagan having a business license but am concerned that a license would allow him to have even more junk in his yard than he does now. And this affects the value of our property should we ever decide to sell.

There is a 60ft private access easment which I assume is for the 2 houses in the back. Does he have access to this as well? And if he does, is he willing to help maintain it for dust and tack weed control as there would now be more traffic than usual. The driveway needs graveled if it is going to be used for business use.

The dry grass next to my fence is 3ft tall and the old lumber there is full of yellow jacket nests as are the vehicles that are parked along there. It is a real fire hazard as well. Mr. Flanagan should have adequate liability insurance.

I am enclosing pictures to verify my concern.

Sincerely,



Phil Shepard
201312 E. Bowles Rd
Kennewick Wa 99337
509-582-7201

RECEIVED

APR 21 2014

Benton County
Planning Department

BOAM 1.10



BOAM 1.11



BOAM 1.12



BOAM 1.13



BOAM 1.14



BOAM 1.15



BOAM 1.16

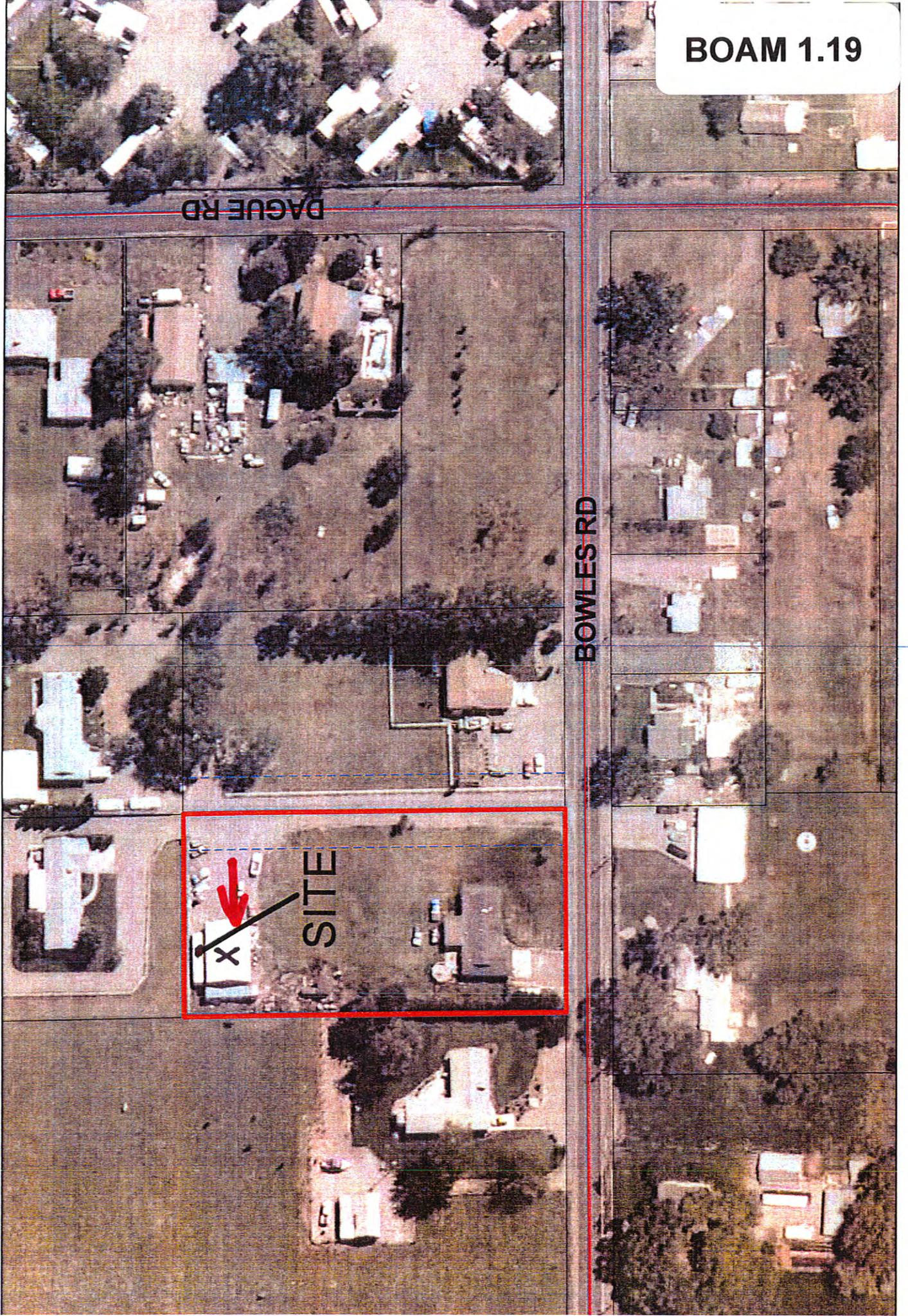


BOAM 1.17



BOAM 1.18





BOAM 1.19

BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE/SPECIAL PERMIT APPLICATION
FILE NO. CU2014-001

RL
MAR - 4 2014
Benton County
Planning Department

1. Applicant Name Dan Flanagan
Applicant Address: 201104 E. Bowles Rd
Kennewick WA 99337
Telephone number: Home (509) 582-4851 Work (509) 947-9794

2. Legal owners name: Dan Flanagan
Legal Owners address: 201104 E. Bowles Rd
Kennewick WA 99337
Telephone number: Home (509) 582-4851 Work (509) 947-9794

3. Parcel Number or Legal description of property for which permit is for: Short Plot 395 1-1780-401-035-001

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

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.** Vehicle AND furniture upholstery repair and replacement and retail tool sales

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 Charter
GAS: Yes _____ No Name of Utility _____
CABLE: Yes _____ No Name of Utility _____
IRRIGATION: Yes No _____ Name of Utility Benton Co. Irrigation District
PRIVATE IRR. Yes _____ No _____

7. Total acres of property: 1.25 Zoning Classification of Property: agriculture
Comprehensive Plan Designation _____

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: 1750sq. ft rambler (resident)
well house (6x8ft), and shop (36x48) 2 storage containers
one 8 x 45 one 8 x 40

9. Describe existing structures and present land uses in the surrounding area of your property:
mostly residential, a beauty shop, farm with produce stand,

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. 0
- e. What is the **total** square footage of the detached building to be used for the business? about 1/2 1728
- f. What is the **total** square footage that will be used for the business activity? 750
- g. Is only one detached building to be used for the business activity? Yes X No _____
- 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 NONE
- k. What County Road does the site access off of? Bowles Road to private road
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week 5
Hours of Operation 8-8

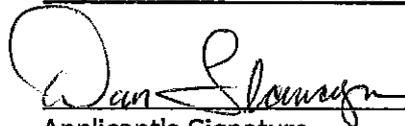
11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- 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.


Applicant's Signature

DAW FLAWAGAN
Print Name

2-10-14
Date

Dani Flanagan
Signature of Legal Owners

DAW FLANAGAN
Print Name

2-10-14
Date

Dani Flanagan
Signature of Person with additional ownership interest

Dani Flanagan
Print Name

2-26-14
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 Clark Pusoy on 4/2/2014

Application approved for processing by Clark Pusoy on 4/2/2014

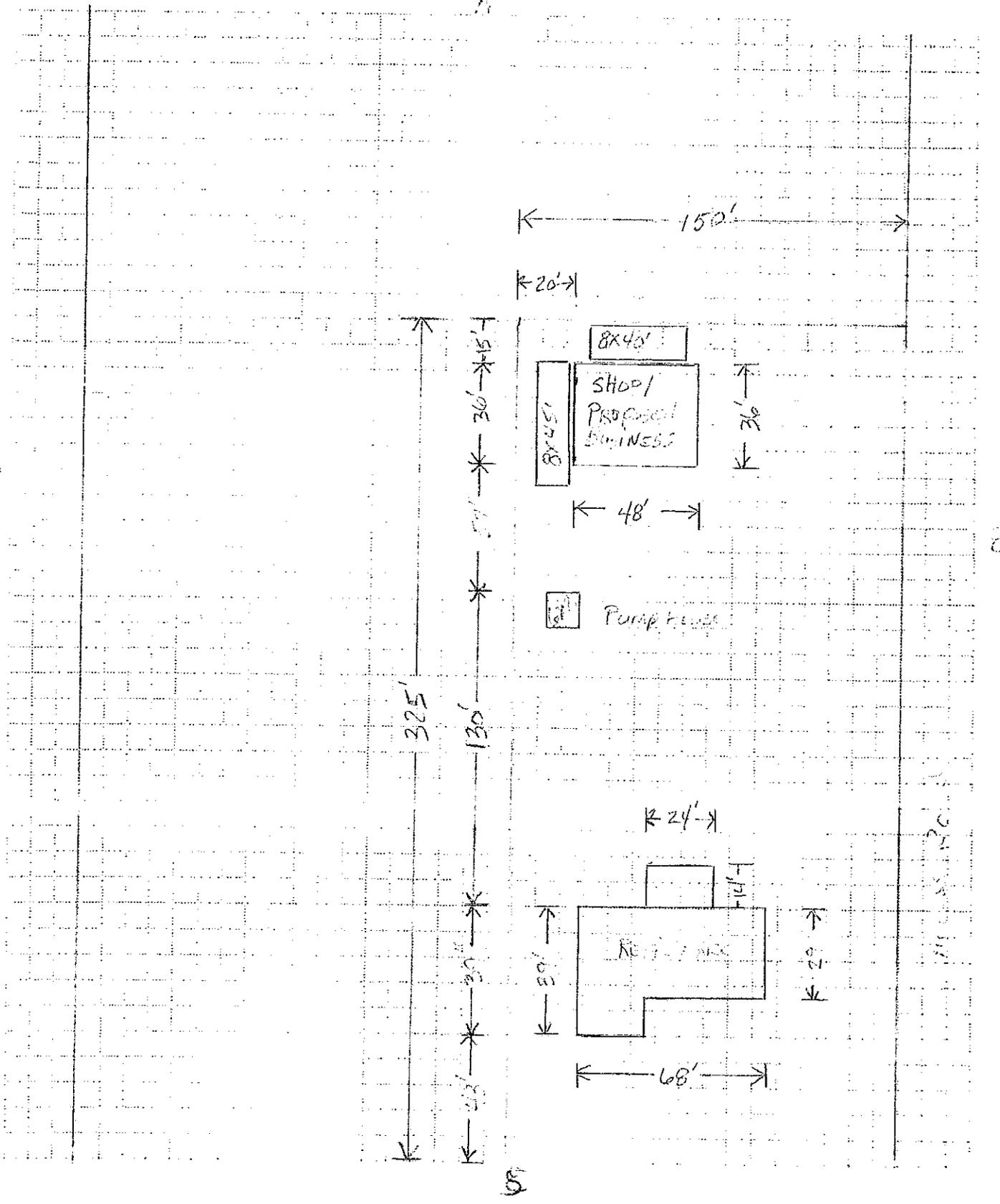
Zoning RL 5 Comp Plan Designation _____

SITE PLAN FOR DAN PINNAGO 201106 E. 1st St. NNE 100

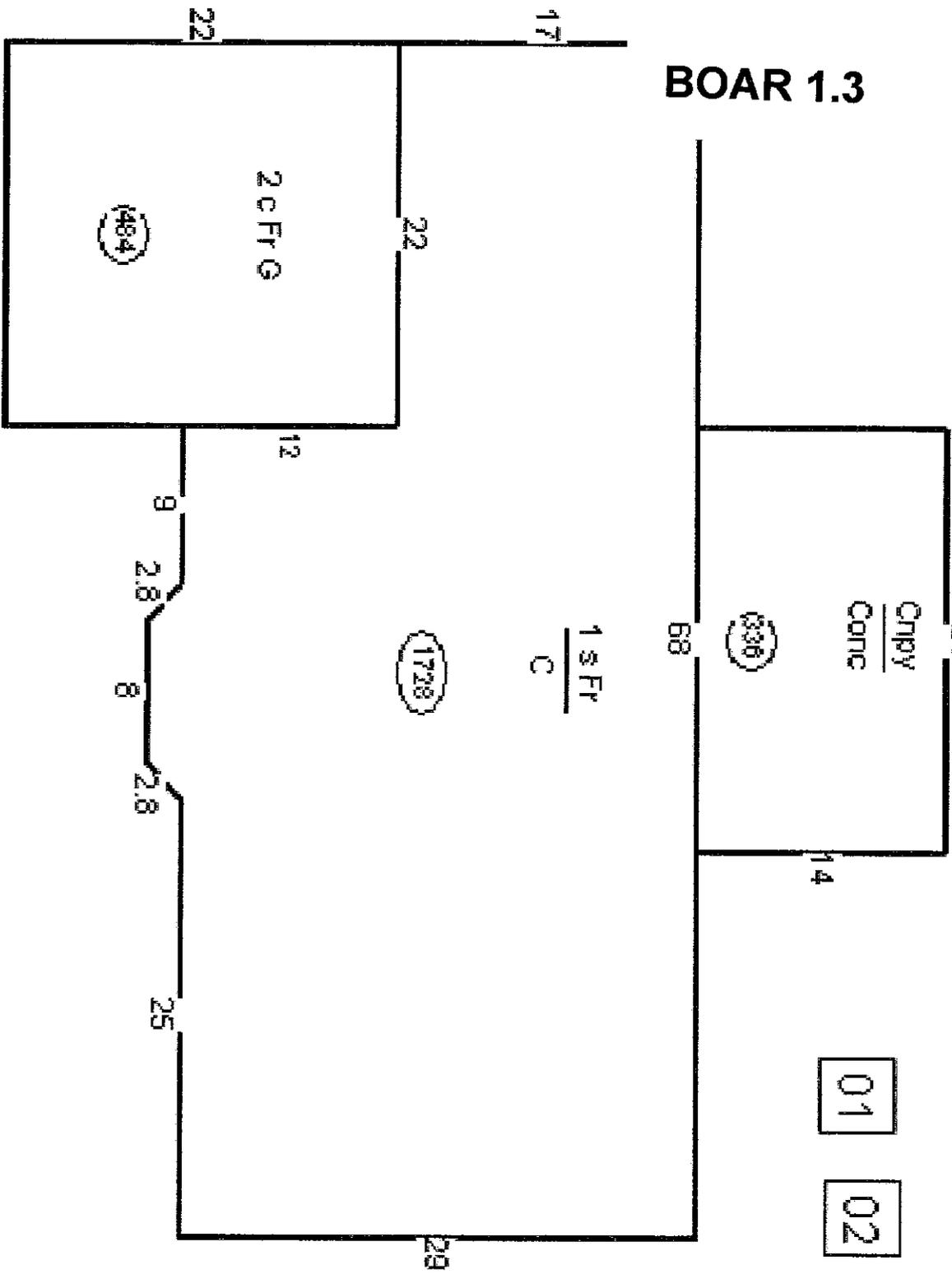
Scale 1" = 50' or 1" = 100'

Please specify 1" = 50' PLEASE INDICATE NORTH

BOAR 1.2



BOAR 1.3



- 01
- 02
- 03
- 04



ASSESSOR

Benton County

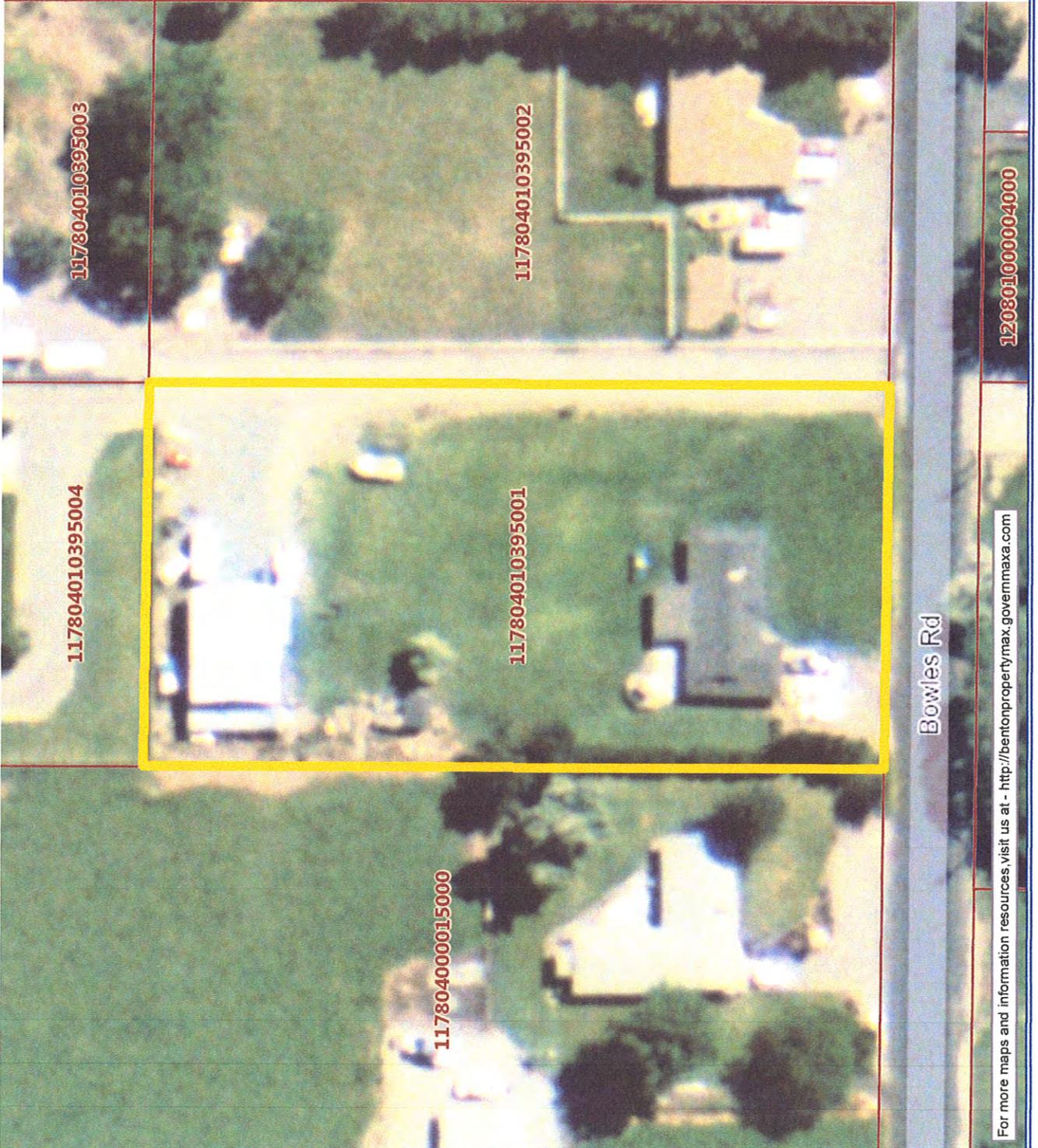
WASHINGTON

Map Title



Property Parcels

County Boundary



2/27/2014

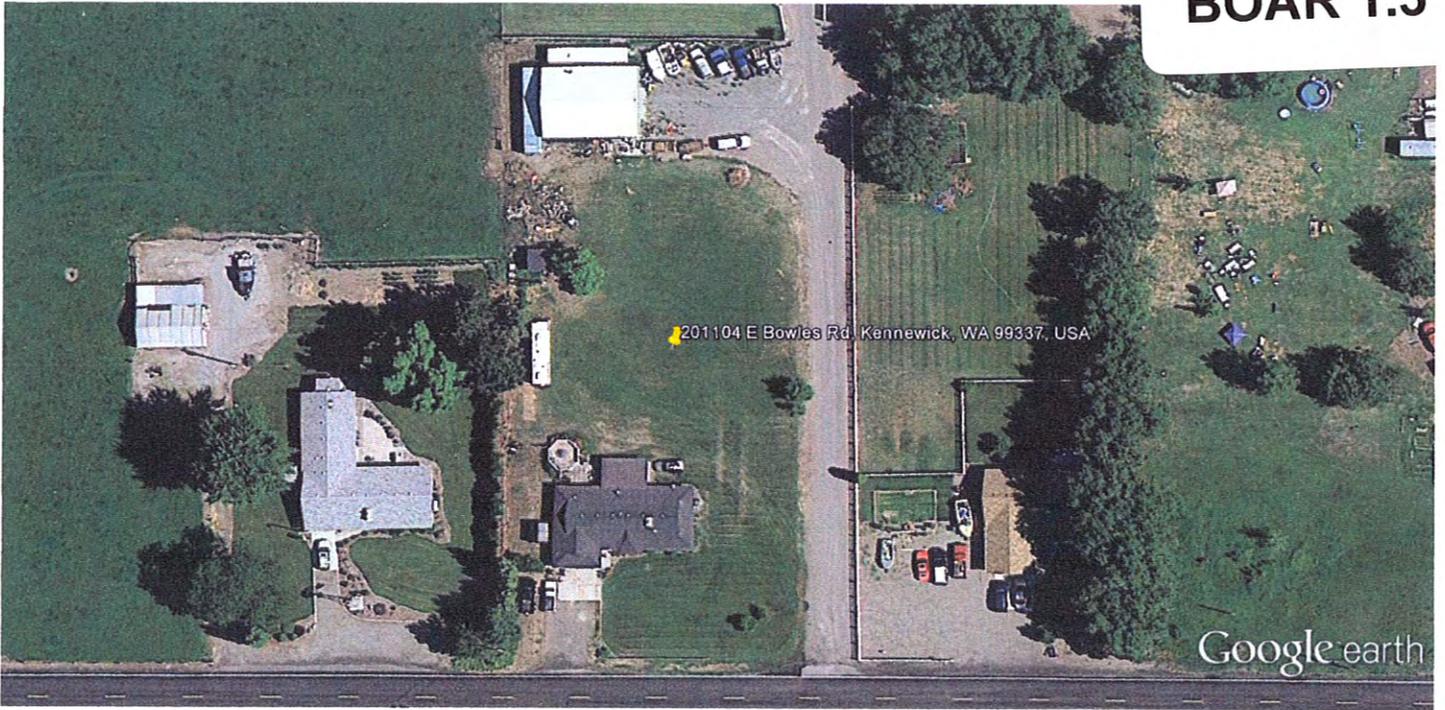


Benton County makes every effort to produce and provide the most current and accurate information possible. The information is furnished as a public service. The information must be accepted and used by the recipient with the understanding that the data was developed and collected for the purpose of developing property valuations, user criteria of fair market value, as required by the State of Washington. The Appraised Value and Tax information are updated different times during the year and, therefore, may not reflect same year values. Benton County assumes no responsibility for any representation or warranty regarding completeness or accuracy of the data.
Note: Acreage and Square Footage data shown as approximate and may not be consistent with records maintained by the local jurisdiction.
©2013 Benton County, Washington Government.

Data source(s): Benton County, Washington Government.

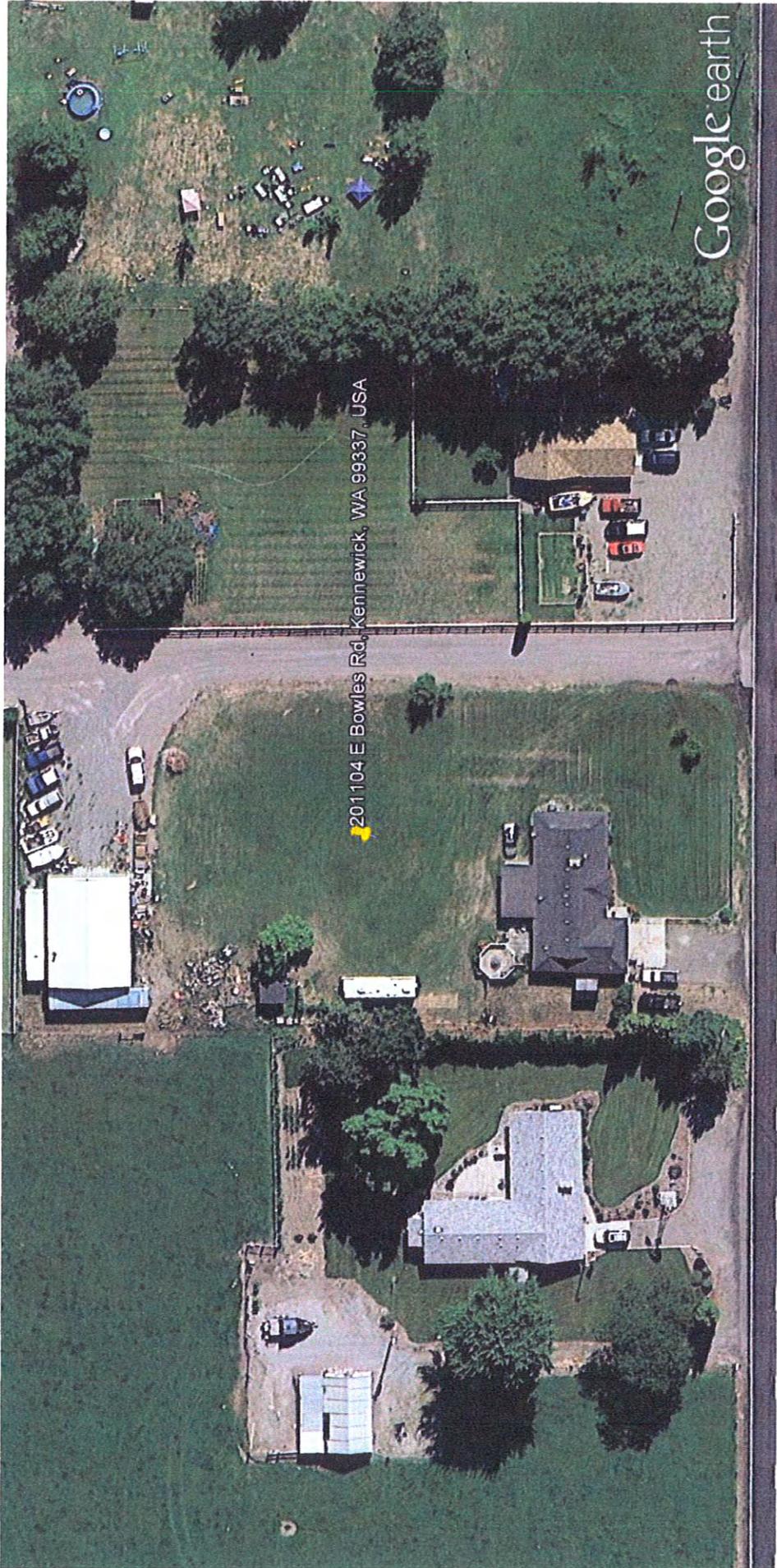
For more maps and information resources, visit us at - <http://bentonpropertymax.governmaxa.com>

BOAR 1.5



Google earth





Google earth

feet
meters

400
100



BOAR 1.6

**VARIANCE
REQUEST
VAR 2014-002**

**APPLICANTS
DANNY/DANI
FLANAGAN**

**EXHIBIT LIST FOR VAR 2014-002
 APPLICANTS: DANNY/DANI FLANAGAN**

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	April 11, 2014
	BOAM 1.2	Notice of Open Record Hearing	April 9, 2014
	BOAM 1.3	Short Plat 395	August 1977
	BOAM 1.4	Comments – Benton Co. Code Enforcement	April 9, 2014
	BOAM 1.5	Comments – Benton PUD	April 10, 2014
	BOAM 1.6	Benton Co. Site Map	April 4, 2014
	BOAM 1.7 to BOAM 1.12	Site Visit Pictures (6)	April 16, 2014
BOARD OF ADJUSTMENT RECORD EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Variance Application	April 2, 2014
	BOAR 1.2	Applicants' explanation of why requesting the variance	April 2, 2014
	BOAR 1.3	Google Earth Map submitted by applicants	April 2, 2014
	BOAR 1.4	Benton County Assessor's Map submitted by the applicants	February 27, 2014
	BOAR 1.5	Google Earth Map of the applicants' site submitted by the applicants	April 2, 2014
	BOAR 1.6	Plot Plan submitted by the applicants	April 2, 2014
	BOAR 1.7	Plot Plan submitted by the applicants	April 2, 2014
BOARD OF ADJUSTMENT HEARING EXHIBIT LIST MAY 1, 2014			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAH 1.1		

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: APRIL 11, 2014
HEARING DATE: MAY 1, 2014
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: VARIANCE APPLICATION – VAR 2014-002

APPLICANTS/

PROPERTY OWNERS: DANNY & DANI FLANAGAN
201104 E. BOWLES RD.
KENNEWICK, WA 99337-6723

SPECIFIC REQUEST

The applicants are requesting a variance to BCC 11.16A.080 (4), which is a setback of ten (10) feet from the existing back property line for any building. The variance would allow the applicants/owners approval to leave a non-permitted 8'x40' storage container three (3) feet from the rear property line, making this variance seven (7) feet. The parcel is located in the Rural Lands 5 Zoning District and is 1.25 acres.

BACKGROUND

Site Location: The site is located at 201104 Bowles RD. Kennewick, WA 99337-6723 on Lot 1 of Short Plat 395 in Section 17, Township 8 North, Range 30 East, W.M.

Land Use: The surrounding land uses are developed as Rural Lands 5. Residential and small agricultural acreages are the main activities within this area.

Zoning & Comprehensive Plan Designation: Site and surrounding areas: Rural Lands 5

APPLICABLE DEVELOPMENT REGULATIONS:

1. **The Revised Code of Washington RCW 36.70.810**, requires that the following findings be made prior to the granting of the variance and the applicant should be prepared to demonstrate before the Board of Adjustment that such findings exist.
 - a. Variances granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations on the other properties in the vicinity and the zone in which the property is situated.
 - b. That strict application of the Zoning Ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zoning classification because of special circumstances applicable to subject property including size, shape,

- topography, location or surroundings
- c. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is situated.

2. **Benton County Code Section 11.52.088(b) states:**

"Variance-General Standards. The variance application process allows the Board of Adjustment in specific cases, as provided in RCW 36.70.810, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purpose and intent of this title and is accordance with the requirements of this section. However, the Board of Adjustment shall not grant variances to land uses or density requirements."

3. **Benton County Code Section 11.52.088(e) provides:**

"Variance—Permit Granted. (1) A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

- (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
- (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
- (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
- (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
- (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
- (vii) the variance will not adversely affect the health or safety or persons residing or working in the neighborhood in which the variance is being requested; and,
- (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

4 The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by subsection (e)(1) above.

5 **11.16A.080 - PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS.** All lands, structures, and uses in the Rural Lands Five Acre District (RL-5) shall meet the following setback requirements, and if applicable, the setback requirements set forth in Title 15 BCC (Protection of Critical Areas and Resources).

(a) **Setback Requirements.** The following minimum setbacks shall apply:

(1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of fifty-five (55) feet from the centerline of any public road right-of-way or twenty-five (25) feet from the property line bordering any public road right-of-way, whichever is greater; and a setback of twenty-five (25) feet from the closest edge of any legally-established boundary line of a private access easement.

(2) Each dwelling unit shall have a setback of twenty-five (25) feet from the rear parcel lines.

(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(5) All shelters, coops, or other structures used for the habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the parcel on which it is located, unless a greater setback is otherwise required under Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty (150) feet from any parcel located partially or wholly within the Growth Management Agricultural Act District (GMAAD) and from any adjacent orchard, hop field or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership.

(7) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project from a building three (3) feet into any required setback area; provided, none of these architectural features may be located within any easements.

(8) Ground floor uncovered, unenclosed porches, platforms, or landings may extend or project from a building six (6) feet into the setback area but no closer than five (5) feet to any parcel line; provided, none of these architectural features may be located within any easements.

- (b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.

DISPOSITION OF THE APPLICANT'S REQUEST

A variance shall be granted only if the Board of Adjustment concludes that based on its findings and the conditions imposed, if any, that:

- (i) granting of the proposed variance will not permit a use that is not classified as an allowable or conditional use in the zoning district wherein the use would be located;
- (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
- (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
- (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
- (v) the problem sought to be addressed is not common for other properties in the surrounding area;
- (vi) the variance would not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
- (vii) the variance will not adversely affect the health or safety or persons residing or working in the neighborhood in which the variance is being requested; and,
- (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.

FINDINGS OF FACT

The following findings of fact and comments were received as of the date of this memo being April 11, 2014. Any comments received after the completion of this staff memo or obtained during the advertised public hearing of VAR 2014-002 may be addressed by the Board of Adjustment and added or deleted from this list of conditions. The Board may decide to adopt these findings as their own or amend these Findings of Fact and listed conditions after the comment period of the open public hearing.

1. The property owners/applicants are Danny & Dani Flanagan – 201104 E. Bowles RD – Kennewick, WA 99337-6723.
2. The applicants are requesting approval for a variance to BCC 11.16A.080(4) to leave in place a 8'x40' illegally placed non permitted storage container on the property between an existing building and the rear property line.
3. The site is located at 201104 E. Bowles RD – Kennewick, WA 99337-6723. On Lot 1 of Short Plat 395 in Section 17, Township 8 North, Range 30 East, W.M.

4. The application for VAR 2014-002 was submitted to Benton County on April 2, 2014 and was determined a complete application for processing on April 4, 2014.
5. The proposed variance application did not require that a Notice of Application be published.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application VAR 2014-002 was published on April 14, 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 May 1, 2014.
7. The Benton County Building Department required that a building/placement permit be obtained.
8. Benton County Fire Marshal commented that the exterior walls and openings must comply and meet the IBC building requirements.
9. The Benton Franklin Health District reviewed the variance request and had no objections at this time.
10. Benton PUD had no comments or concerns regarding this request.
11. Benton County Public Works did not have any comments on this variance request.
12. Benton County Code Enforcement submitted comments submitted April 9, 2014 stating: "Regarding VAR 2014-002 this storage container was set in place without the required Benton County building permit, which is why it was placed in violation of the required setbacks. The property owners are required to obtain the building permit, which has not been submitted. They will also be assessed a penalty fee for placing the storage container prior to obtaining the required permit."
13. Special circumstances such as lot size, slope, topography or necessary size or shape of the building are **not a factor** in preventing compliance with the applicable property development standards in the Rural Lands 5 Zoning District.
14. The strict application of the zoning district property development standards would not deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification.
15. The problem sought to be addressed by the variance is not related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
16. This placement of the storage container also violates the setback between the existing shop and the storage container. It does appear alternative sites are available for the placement of this storage container.
17. It must be shown that a material hardship unwarranted within the intent of this Code will exist if the variance is not granted, and that the hardship cannot be

remedied by other means. The hardship demonstrated must not be **self-created** and must relate to the land itself and not to problems personal to the applicant. The variance permitted shall be the minimum variance which will mitigate the hardship.

18. The proposed structure is located on a Columbia Irrigation District (CID) easement, which covers five (5) feet of the rear property line.

CONDITIONS

The Board of Adjustment may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by the subsection above.

The Benton County Planning Department recommends that the proposed variance be denied as there is adequate area on the property to place the structure without encroaching into the setback area.

If the Board of Adjustment decides to approve Variance Request VAR 2014-002 then the following are suggested conditions recommended by the Planning Department:

1. Any conditions imposed by the Board of Adjustment shall be completed prior to the Planning Department issuing the variance. 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 variance until those conditions have been met. The variance 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 variance within one (1) year from the time the Board of Adjustment conditionally approved the variance, 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. No matter the outcome of this Variance the applicants need to obtain a building/placement permit from the Benton County Building Department for the placement of the storage container.
4. The applicants for Variance VAR 2014-002 must have a Washington State Licensed Surveyor mark the property line adjacent to the location of the proposed building, prior to the inspection by the Building Department.
5. If the application is denied the building must be relocated to conform to **BCC 11.16A. 080(a) Setback Requirements:**
(a) Setback Requirements. The following minimum setbacks shall apply:

Each accessory building or any accessory use on a parcel shall have a ten (10) foot setback from the side and rear of the established property line.

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 2014-002 – The applicant is requesting a conditional use permit for the crushing of concrete waste existing on site. This material needs to be removed from the current stockpile area along the East side of Demoss Road. The application was submitted on March 13, 2014 and deemed complete for processing on March 17, 2014. The site is located along the eastern right-of-way of North Demoss Road, Benton City, WA 99320 in the Southwest Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 27 East, W.M. Applicant: Walt Meglasson

VARIANCE REQUEST – VAR 2014-001 – The applicant is requesting a variance from BCC 11.52.060(3) to allow access to a single parcel of land on a 5.2 acre site that does not have a perpetual, non-exclusive access easement. Access across the United States Department of the Interior – Bureau of Land Management property is needed for an ingress and egress right-of-way. The application was submitted on March 27, 2014 and deemed complete for processing on March 27, 2014. The site is located in the West Half of the Northwest Quarter of the Northeast Quarter, lying westerly of the canal in Section 18, Township 8 North, Range 28 East, W.M. Applicants: Tyler/Eva Tapani.

CONDITIONAL USE PERMIT – CUP 2014-001 – The applicant is requesting a conditional use permit for the operation of the following business to be conducted on the same site (1) vehicle and furniture upholstery repair business and (2) a retail tool sales business. The application was submitted on March 4, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

VARIANCE REQUEST – VAR 2014-002 – The applicant is requesting a seven (7) foot variance to BCC 11.16A.080(4) which is a setback of ten (10) feet from the sideyard property line for the location of an existing storage container. The application was submitted on April 2, 2014 and deemed complete for processing on April 8, 2014. The site is located at 201104 E Bowles Road Kennewick on Lot 1 of Short Plat 395 in the West Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 8 North, Range 30 East, W.M. containing 1.25 more or less. Applicant: Dan Flanagan.

NOTICE IS GIVEN that said application(s) will be considered by the Board of Adjustment of Benton County, Washington at the public hearings on **Thursday, May 1, 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 9th day of April, 2014.

BRENT CHIGBROW, Chairman
BENTON COUNTY BOARD OF ADJUSTMENT

A handwritten signature in black ink, appearing to read "Clark A. Posey", written over a horizontal line.

CLARK A. POSEY, SENIOR PLANNER
BENTON COUNTY PLANNING DEPARTMENT

PUBLISH: Monday, April 14, 2014

Carel Hiatt

From: Dale Wilson
Sent: Wednesday, April 09, 2014 3:03 PM
To: Planning Department
Subject: RE: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

Regarding VAR 2014-002 this storage container was set in place without the required Benton County building permit, which is why it was placed in violation of the required setbacks. The property owner is required to obtain the building permit, which has not been submitted. They will also be assessed a penalty fee for placing the storage container prior to obtaining the required permit.

From: Planning Department
Sent: Wednesday, April 09, 2014 2:26 PM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Columbia Irrigation District; Charter; Benton PUD - Klander; Benton PUD - Sunford; Benton PUD - Vosahlo; BENTON, PUD - Smith; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org)
Subject: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

Attached to this email are two utility review letters for comment. Please submit comments back to the Planning Department within the seven (7) day review period. If you need additional information, please contact the Benton County Planning Department.

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

APR - 9 2014

Benton County
Planning Department

From: Rick Sunford <sunfordr@bentonpud.org>
Sent: Thursday, April 10, 2014 8:44 AM
To: Planning Department
Subject: RE: Utility Review Letter for CUP 2014-001 and VAR 2014-002 Dan Flannagan

No comment

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Wednesday, April 09, 2014 2:26 PM
To: Jeff Liner; Benton-Franklin Dist. Health Dept.; Wash. St. Dept. of Health; Wash. St. Dept. of Health; Columbia Irrigation District; Charter; Ken Klander; Rick Sunford; Jeff Vosahlo; David Smith; Dale Wilson; Ken Williams; Michelle Johnson; Rick Hall; Rod Worthington; Steve Brown; Tomi Chalk; FIRE DISTRICT NO. 1; Fire District No. 1 (Billie@bentonone.org)
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P O Box 910
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Tel: 509-786-5612 – Prosser
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Fax: 509-786-5629

RECEIVED

APR 10 2014

Benton County
Planning Department

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.



BENTON COUNTY
PLANNING
DEPARTMENT

SECTION 17, TOWNSHIP 8 NORTH, RANGE 30 EAST, W.M.
VARIANCE VAR # 2014-002
DAN & DANI FLANAGAN 1-1780-401-0395-001
MAP PRINTED: APRIL 4, 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 1.6

DAGUE RD

BOWLES RD

SITE

BOAM 1.7



April 16, 2014



00LU 517688 0
 LR 4310
 MGW. 32,000 KGS
 TARE. 70,550 LBS
 3,830 KGS
 8,445 LBS
 NET. 28,170 KGS
 CU. CAP. 62,105 LBS
 67.6 CUM.
 2,387 CUFT.

BOAM 1.8

April 16, 2014

BOAM 1.9

April 16, 2014



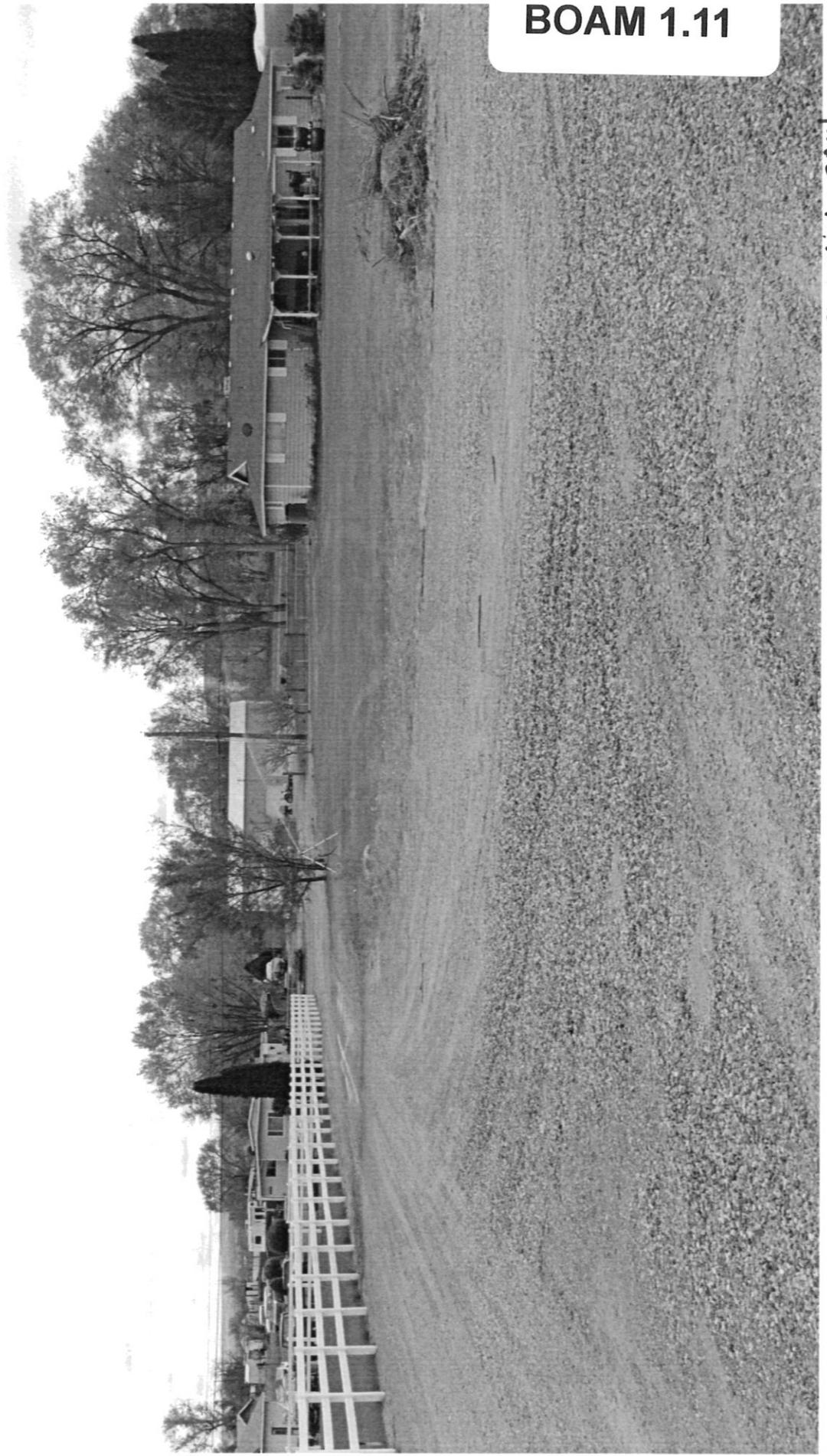
BOAM 1.10

April 16, 2014



BOAM 1.11

April 16, 2014



BOAM 1.12

April 16, 2014



BENTON COUNTY PLANNING DEPARTMENT
VARIANCE APPLICATION

FILE NO. VAR 2014-002

RECEIVED

APR - 2 2014

Benton County
Planning Department

1. Name and address of applicant: DAN FLANAGAN
~~2010~~ 201104 E. Bowles Rd. Kennewick, WA 99337
Phone number: Home: 509-582-4851 Work: 509-947-9794
2. Legal owners name and address: DAN FLANAGAN
201104 E. Bowles Rd. Kennewick, WA 99337
Phone number: Home 509-582-4851 Work 509-947-9794
3. Legal description or Parcel Number of property for which permit is for:
Short Plot 395 Parcel # 1-1780-401-0395-001
4. Section of the zoning ordinance under which it is claimed that a variance should be granted. (To be completed by the Planning Department). BCC 11.16A.080
5. A variance is being requested for the purpose of Request to leave storage container in it's current location
6. What is the minimum variance that will alleviate hardship? Any movement of the container would be a considerable hardship
7. Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building which prevent compliance with the zoning ordinance? If so, explain:
This storage container contains the personal and household belongings of our son and his young family. He is serving in our United States Navy and is currently stationed on the east coast. It would be a considerable hardship on both his and our family to have to relocate it.
8. Does strict application of the zoning ordinance deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification? If so, explain:
No

0013078

9. The property will be served by:

WATER: Well
 SEWER: Septic Tank
 POWER: PUD
 PHONE: Yes No
 GAS: Yes No
 CABLE: Yes No
 IRRIGATION: Yes No
 PRIVATE IRR. Yes No

Private System _____ City System _____
 City Sewer _____
 REA _____
 Name of Utility Charter
 Name of Utility _____
 Name of Utility _____
 Name of Utility Columbia Irrigation District

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

11. Zoning classification of property involved: Residential

12. Total acreage - lot size involved: 1.25

COMMENTS OR PERTINENT INFORMATION:

SEE ATTACHED COMMENTS

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

Signature Block for individuals only.

[Signature]
 Applicant's Signature
[Signature]
 Signature of Legal Owners

DAW FLANAGAN
 Print Name
DAW FLANAGAN
 Print Name

3-31-14
 Date
3-31-14
 Date

Signature of Person with additional ownership interest

Print Name

3-31-14
 Date

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.

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

Applicant's Name

Print Name & Title

Date

Applicant's 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.

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 VARIANCE REQUEST FEE OF \$250.00 MUST BE SUBMITTED WITH THE APPLICATION. THIS FEE IS NON-REFUNDABLE. PLEASE MAKE THE CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.

11/09/09

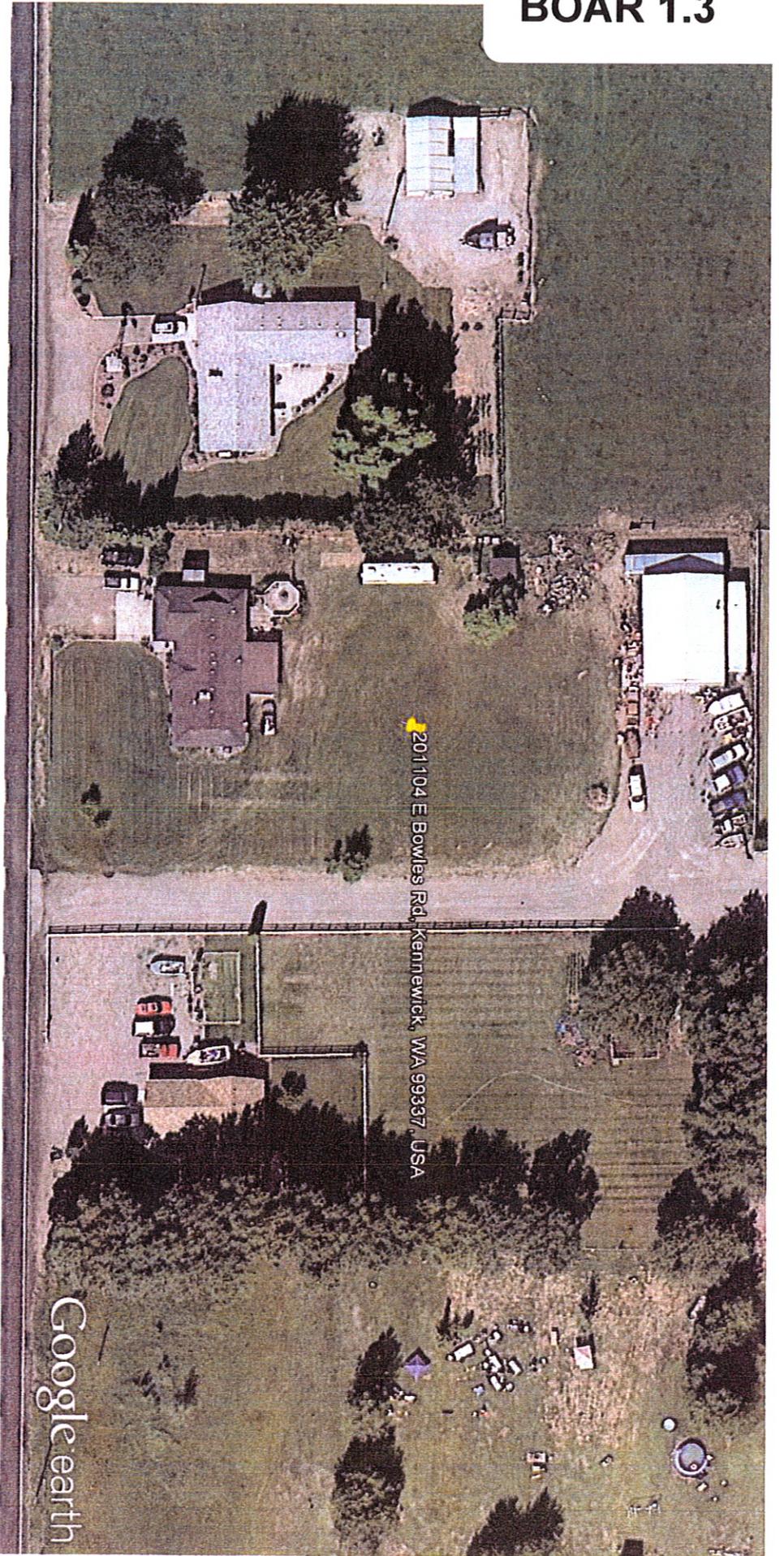
FOR OFFICIAL USE ONLY:
Critical Area Review Completed by Chuck Perry on 4/22/2014
Application approved for processing by Chuck Perry on 4/24/2014
Zoning RLS Comp Plan Designation _____

BOAR 1.2

In its current location this conex container does provide advantages as both a viable buffer to reduce any noise produced in the shop and additionally, due to its steel construction, an effective firebreak should the need arise.

Any other placement on the property would first require our son to travel here from Maryland to remove his family's belongings to avoid damages and any other location on the property would leave it in plain view from Bowles Road, which would be visually unappealing to neighbors and those passing by from the road and also tempting as a target of opportunity for theft and vandalism.

BOAR 1.3



Google earth

feet
meters



Google earth





ASSESSOR

Benton County

WASHINGTON

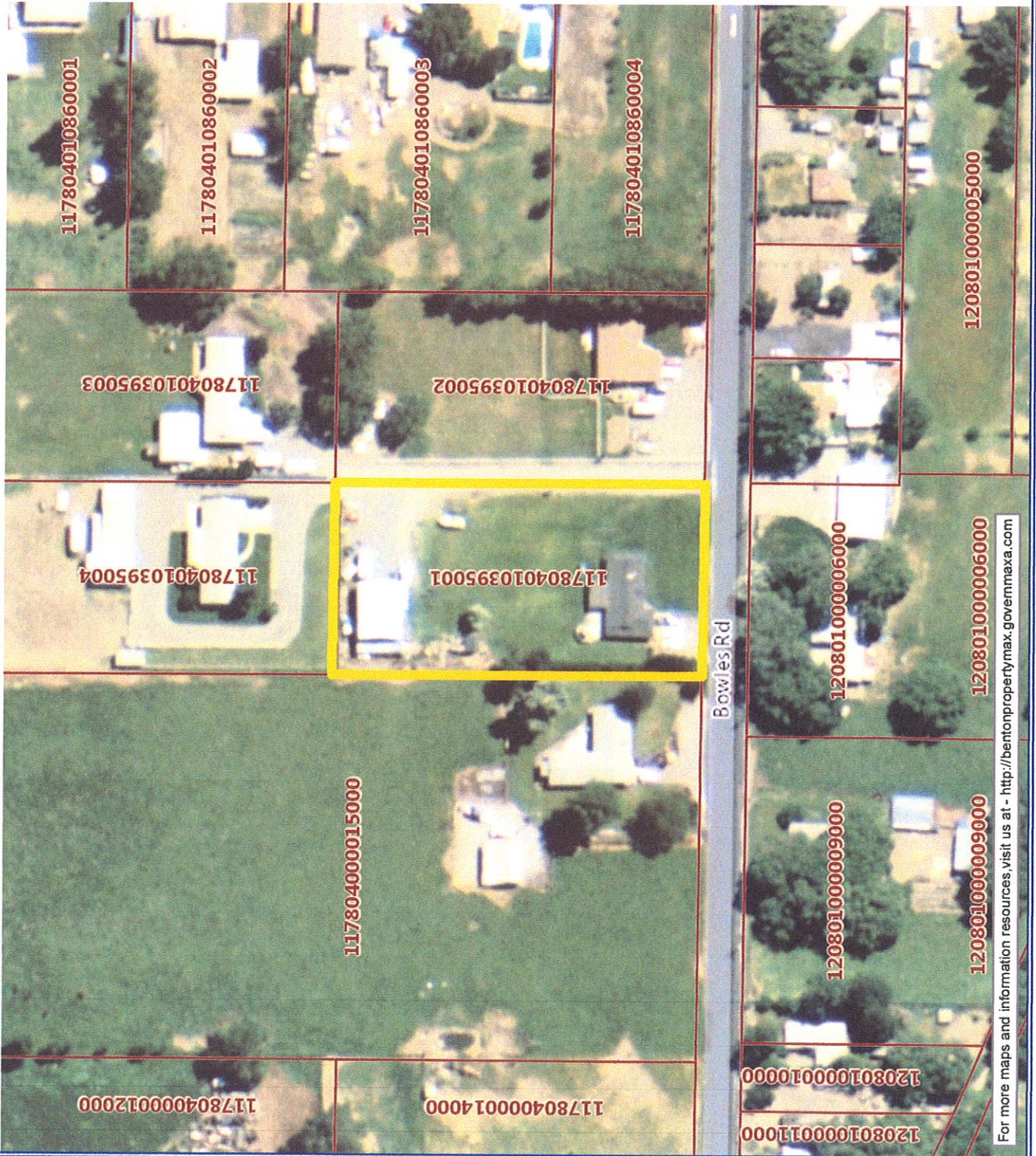
Map Title



Property Parcels



County Boundary



Bowles Rd

BOAR 1.4

2/27/2014



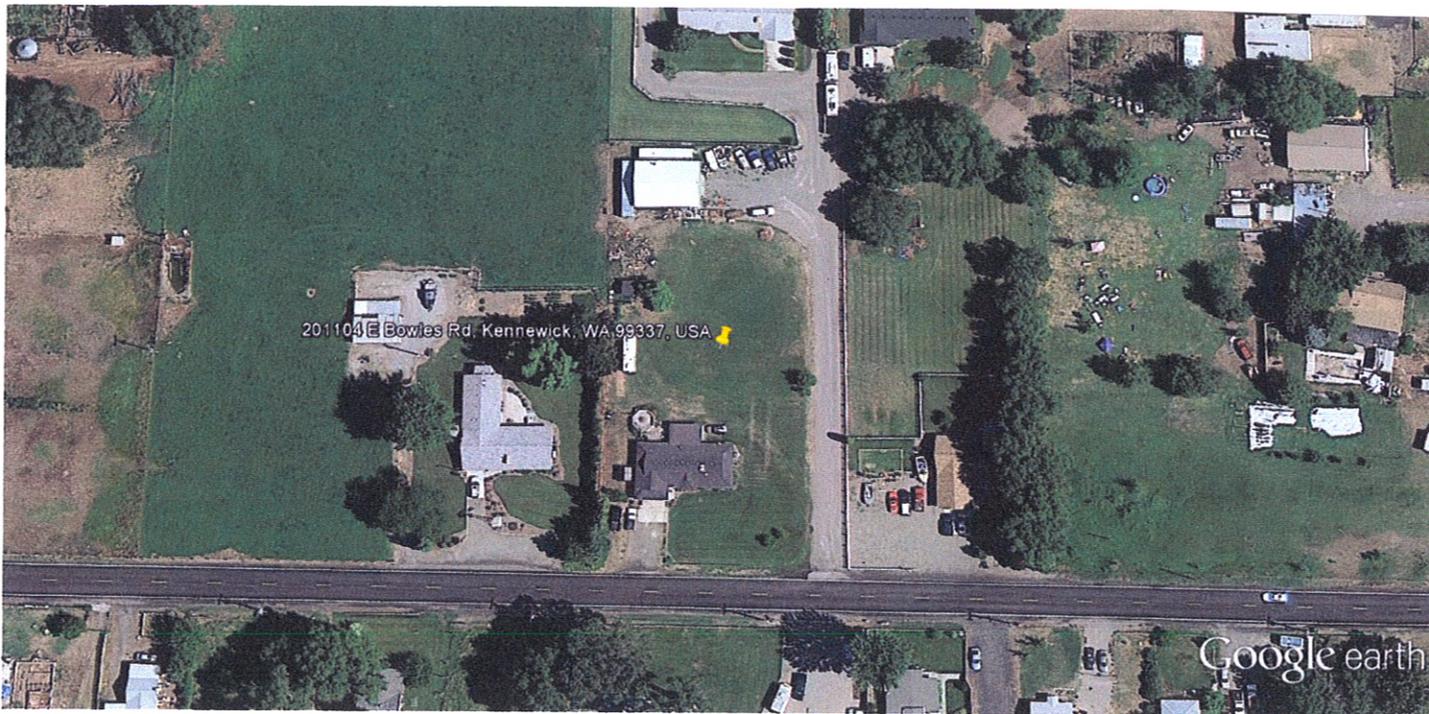
Benton County makes every effort to produce and publish the most current and accurate information possible. This information is furnished as a public service. The information must be accepted and used by the recipient with the understanding that the data was developed and collected for the purpose of developing property valuations, using the criteria of fair market value, as required by the State of Washington. The Appraised Value and Tax Information are updated at different times during the year and, therefore, may not always reflect same year values. Benton County assumes no liability whatsoever associated with the use or misuse of such data, and disclaims any representation or warranty regarding the completeness or accuracy of the data.

Note: Acreage and Square Footage data shown are approximate and may not be consistent with records maintained for appraisal purposes.

©2013 Benton County, Washington Government.

Data source(s): Benton County, Washington Government.

For more maps and information resources, visit us at - <http://bentonpropertymax.government.com>



Google earth

feet
meters



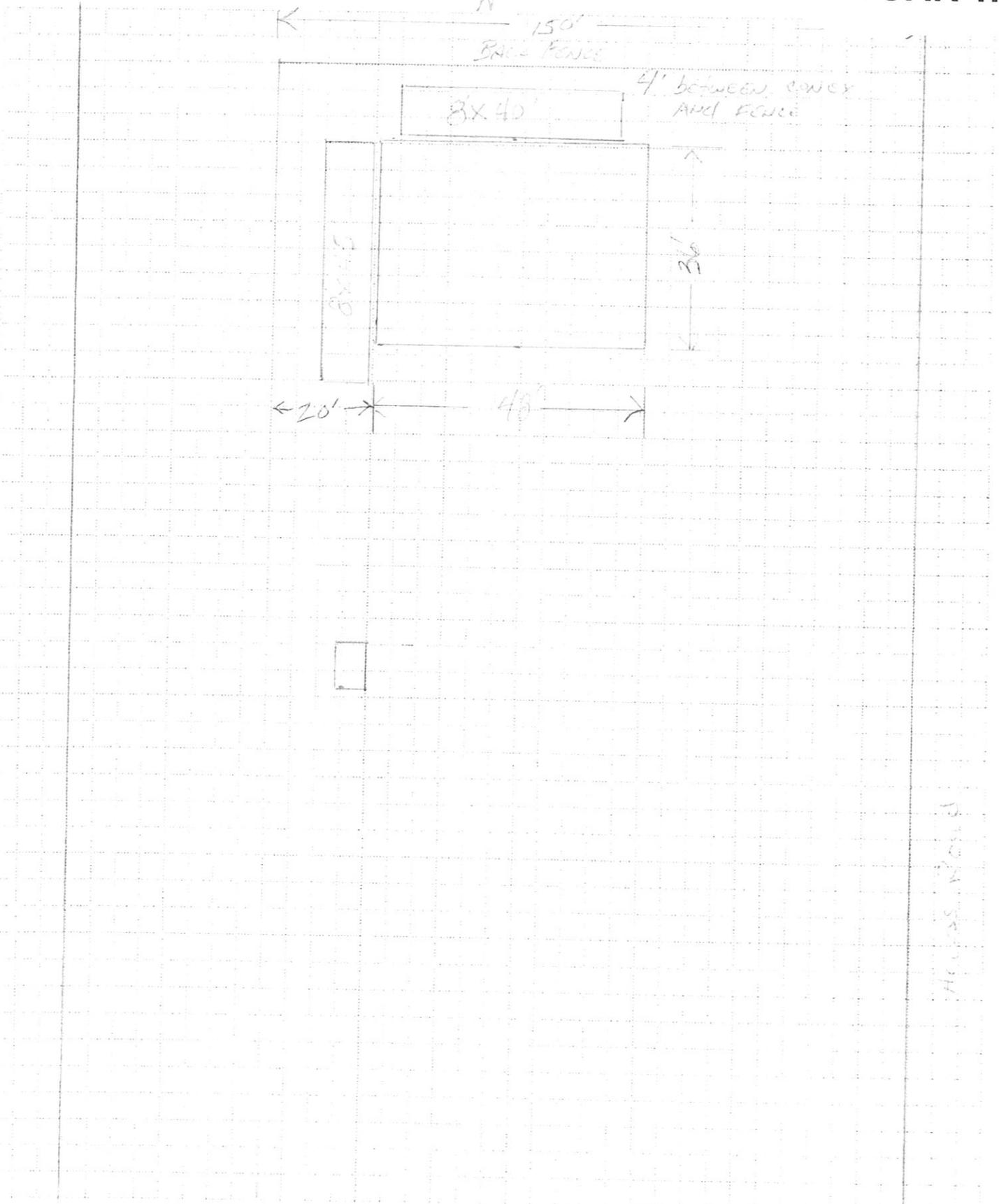
SITE PLAN FOR DAN FLANAGAN 201104 E. Bowles Rd. Kennewick

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

Please specify 1" = 25'

PLEASE INDICATE NORTH

BOAR 1.6



E

108

SITE PLAN FOR DAN FLANAGAN 201104 E. Fowler St. RINNEWICK

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

Please specify 1" = 50' PLEASE INDICATE NORTH

N

BOAR 1.7

