

THE FOLLOWING MEMOS HAVE BEEN  
SCANNED WITHOUT EXHIBITS FOR THE  
HEARING TO BE CONDUCTED BY THE  
BENTON COUNTY

BOARD OF ADJUSTMENT

THURSDAY, AUGUST 2, 2012 - 7 P.M.  
BENTON COUNTY PLANNING ANNEX –  
1002 DUDLEY AVENUE – PROSSER, WA

IF YOU WISH TO OBTAIN A COMPLETE  
PACKET INCLUDING THE EXHIBITS  
PLEASE CONTACT THE  
BENTON COUNTY PLANNING DEPARTMENT  
BY CALLING 736-3086 FROM TRI-CITIES  
OR 786-5612 FROM PROSSER  
OR EMAIL TO  
PLANNING.DEPARTMENT@CO.BENTON.WA.US

**EXHIBIT LIST FOR CUP 12-02  
KURK WATTS**

<b>BOARD OF ADJUSTMENT STAFF MEMO EXHIBIT LIST</b>			
<b>BOAM 1 INCLUDES</b>	<b>EXHIBIT #</b>	<b>DOCUMENT NAME</b>	<b>DATE</b>
	BOAM 1.1	Staff Memo	June 29, 2012
	BOAM 1.2	Notice of Open Record Hearing	July 11, 2012
	BOAM 1.3	Benton REA Comments	June 26, 2012
	BOAM 1.4	Benton REA Comments	June 27, 2012
	BOAM 1.5	Benton County Bld. Comments	June 27, 2012
	BOAM 1.6	Benton Co. Public Works Comments	July 6, 2012
	BOAM 1.7	Vicinity Map	
	BOAM 1.8 to BOAM 1.11	Pictures of the Site	June 25, 2012
	BOAM 1.12	Aerial of the site	
<b>BOARD OF ADJUSTMENT – APPLICATION EXHIBIT LIST</b>			
<b>BOAR 1 INCLUDES</b>	<b>EXHIBIT #</b>	<b>DOCUMENT NAME</b>	<b>DATE</b>
	BOAR 1.1	Conditional Use Permit	June 18, 2012
	BOAR 1.2	Site Plan	
	BOAR 1.3	Site Plan	
	BOAR 1.4	Site Plan	
	BOAR 1.5 to 1.7	Pictures of the site	June 22, 2012
<b>BOARD OF ADJUSTMENT HEARING AUGUST 2, 2012</b>			
<b>BOAH 1 INCLUDES</b>	<b>EXHIBIT #</b>	<b>DOCUMENT NAME</b>	<b>DATE</b>

EXHIBIT SHEET – E-1 – Exhibit listing  
 BOAR – Board of Adjustment Record Exhibits  
 BOAM – Board of Adjustment Memo Exhibits  
 BOAH 1 - Documents submitted during the hearing

# Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

**DATE:** JUNE 29, 2012

**MEETING DATE:** AUGUST 2, 2012

**TO:** BENTON COUNTY BOARD OF ADJUSTMENT

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

**RE:** CONDITIONAL USE PERMIT APPLICATION – CUP 12-02

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

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

## **BACKGROUND:**

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

Land Use: Site and Surrounding Area: Single-family dwellings and commercial uses.

Zoning: Site and surrounding areas are zoned Urban Growth Area Residential (UGAR).

Comprehensive Plan: South and East are designated Urban Growth Area of the City of Richland, North is the City of West Richland and to the West is County Rural Lands 5.

Environmental Policy Act: Categorically exempt from the requirements of the Washington State Environmental Policy Act.

## **APPLICABLE DEVELOPMENT REGULATIONS:**

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 Section 2.

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.

2. 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:

**FINDINGS OF FACT:**

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

1. Applicant/Property Owner is Kurk Watts – 10612 W. Court Street. Pasco, WA 99301
2. The applicant is requesting approval of a Conditional Use Permit Application – CUP 12-02 for the installation of a 5' x 21' x 18" electrical sign for the new storage unit facility that was approved under Special Permit 10-02 and is being constructed at the location of 30405 N. Dallas Road.
3. Site Location: The parcel is located at the Southeast corner of Dallas and Arena Roads at 30405 N. Dallas Road; on Lots 1 & 2 of Short Plat 1401 in the Northwest Quarter of Section 20, Township 9 North, Range 28 East W.M.
4. The application for CUP 12-02 was submitted to Benton County on June, 15 2012 and declared complete on June 26, 2012.
5. Conditional Use Permit Application 12-02 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 CUP 12-02 was published on Monday, July 16, 2012 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for August 2, 2012.
7. Conditional Use Permit Application SP 12-02 is categorically exempt from the requirements of the Washington State Environmental Policy Act.
8. The land use of the site and surrounding properties are UGAR single family residences and commercial uses.
9. The Benton County Comprehensive Plan designated the site and surrounding areas as "Urban Growth Area Residential" (UGAR) for the City of Richland.
10. The Benton County Building Department will require that the applicant obtain a building permit.

**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 CUP 12-02, 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. If the conditions of approval have not been met and within one year the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicant 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.
2. That the applicant provides written verification to the Benton County Planning Department that all requirements of the Benton County Building Office have been complied with.
3. The applicant must adhere to Benton County Code for setbacks in the Urban Growth Area Residential Zone BCC 11.13.080 Property Development Standards.

(a) Setback Requirements.

- (1) Each dwelling unit, or accessory building, and accessory use on a parcel shall have a setback of twenty five (25) feet from the property line bordering any public road-of way; and a setback of twenty five (25) feet from the closest edge of any legally-established boundary line of a private access easement.
- (2) No building shall be hereafter erected or altered so any portion thereof shall be nearer to the front property line than the distance indicated in the preceding subparagraph.