

**THE FOLLOWING MEMOS HAVE BEEN
SCANNED WITHOUT EXHIBITS FOR
THE HEARING TO BE CONDUCTED BY
THE BOARD OF ADJUSTMENT.**

**ON
THURSDAY
MARCH 7, 2013 AT 7 P.M.**

**NOTE THE ADDRESS:
BENTON COUNTY PLANNING
DEPARTMENT – PLANNING ANNEX
1002 DUDLEY AVENUE – PROSSER
IF YOU WISH TO OBTAIN A COMPLETE
PACKET INCLUDING THE EXHIBITS
PLEASE CONTACT THE
BENTON COUNTY PLANNING
DEPARTMENT - 736-3086/TRI-CITIES
OR
786-5612/PROSSER
OR EMAIL AT
PLANNING.DEPARTMENT@CO.BENTON.WA.US**

**CONDITIONAL USE
PERMIT**

CUP 13-02

APPLICANTS:

CLIFTON R.

CLIFTON V.

SHIRLEY STEELMAN

**EXHIBIT LIST FOR CUP 13-02
CLIFTON R./CLIFTON V./SHIRLEY STEELMAN**

BOARD OF ADJUSTMENT STAFF MEMO EXHIBIT LIST			
BOAM 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAM 1.1	Staff Memo	February 22, 2013
	BOAM 1.2	Notice of Open Record Hearing	February 6, 2013
	BOAM 1.3	Benton Co. Bld Permit 14505 – 26 pages	Dec. 14, 1995
	BOAM 1.4	Benton County Fire Marshall comments	January 30, 2012
	BOAM 1.5	Sunnyside Valley Irrigation District comments	January 31, 2013
	BOAM 1.6	Benton Co. Public Works comments	February 1, 2013
	BOAM 1.7	Benton Co. Bld Dept. comments	February 1, 2013
	BOAM 1.8	Benton PUD comments	February 1, 2013
	BOAM 1.9	Kennewick Irrigation District comments	February 6, 2013
	BOAM 1.10	Benton Franklin Health District Permit	January 24, 1994
	BOAM 1.11	Benton Franklin Health District comments	February 13, 2013
	BOAM 1.12	Site Plan	
	BOAM 1.13	Aerial of the site	

BOARD OF ADJUSTMENT – APPLICATION EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit – 3 pages	January 24, 2013
	BOAR 1.2	Attachment	
	BOAR 1.3	Chapter 11.48 – Unclassified Zone	
	BOAR 1.4	Letter from Ryan Brown	January 11, 2013
	BOAR 1.5	2008 Ortho of site	

BOARD OF ADJUSTMENT HEARING MARCH 7, 2013			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE

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

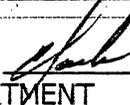
BOAM 1.1

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

DATE: FEBRUARY 22, 2013

TO: BENTON COUNTY BOARD OF ADJUSTMENT

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

RE: CONDITIONAL USE PERMIT – CUP 13-02

APPLICANTS/
PROPERTY OWNERS: Clifton R./Clifton V./Shirley Steelman
P.O. Box 1457
Prosser, WA 99350

4400 S 47th Ste. 201
West Richland, WA 99353

PARCEL NUMBER: 1-2295-100-0003-000

SPECIFIC REQUEST: The applicants are seeking a Conditional Use Permit for the operation of an event center for weddings, reunions, anniversaries, etc. (DBA "Shadow Lake Ranch"). The events are to be conducted on an 80 plus-acre parcel of land. The property is in the Rural Lands 5 Zoning District. This property is located in an area of single-family residential homes and large pastures. Three existing buildings are presently on the property: (1) 5,500 sq. ft. lodge with a full kitchen and a 2,000 sq. ft. outside patio with an outside bar and fireplace area a shop building, (2) A "Rustic Vacation House" and (3) one small cabin.

LOCATION: The property is at 24409 N. Case Road - Prosser, WA 99350-5605 in the South Half of the South Half of the Northeast Quarter and a portion of the East Half of the Northeast Quarter all in Section 22, Township 9 North, Range 25 East, W.M. on 81.92 acres. The applicant also owns the adjoining 148 acres directly to the east.

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

STATE ENVIRONMENTAL POLICY ACT: Conditional Use Permit - CUP 13-02 is exempt from the requirements of the Washington State Environmental Policy Act.

PUBLIC NOTICE:

The application for CUP 13-02 was originally submitted to the Benton County Planning Department on January 24, 2013. The application was declared complete for processing and routing for comments on January 30, 2013. The agency review letter was mailed out to property owners within 300 ft of the subject property on January 30, 2013.

The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 13-02 was published on Thursday, February 14, 2013 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 March 7, 2013.

APPLICABLE DEVELOPMENT REGULATIONS:

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

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

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

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

BENTON COUNTY CODE SECTION 11.52.090(a):

Conditional Use/Special Permit General Standards. The conditional use permit application process allows the Board of Adjustment to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Board of Adjustment to ensure development in each zoning district protects the integrity of that district. The notice, hearing, decision and enforcement procedures are as set forth herein and in BCC 11.52.089.

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

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

BENTON COUNTY CODE SECTION 11.52.090(d):

Conditional Use/Special Permit-Permit Granted or Denied. The Benton County Board of Adjustment will consider the proposed Conditional Use permit application at an open record hearing. A Conditional Use permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment to conclude that, as conditioned, the proposed use:

- (1) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;**
- (2) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;**

(3) **Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;**

(4) **Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and**

(5) **Would not hinder or discourage the development of permitted uses on neighboring properties in the applicant zoning district as a result of location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.**

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

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

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

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

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

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

AGENCY COMMENTS:

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

b. Health Department: The Benton-Franklin Health Department reviewed the proposal and had the following comments:

(1) The well serving this property must go through the process of being upgraded to a public water supply in accordance with WAC 246-291. The application must be submitted to the Benton Franklin Health Department to begin this process.

(2) The property is currently served by an on-site sewage disposal system that is

permitted, installed and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No 2 for the intended use. Currently, the property was only approved for a 2 bedroom single-family residential use

~~(3) An existing on-site septic system evaluation must be submitted for each of the buildings on the property with plumbing that are to be intended to be utilized for the event center. The purpose of these evaluations is to determine firstly if the existing septic system is still working correctly and all required setbacks are being maintained to the initial and reserve septic areas. In addition, these evaluations are completed to determine if the sizing of the existing septic systems are acceptable for the proposed change-in-use to an event center~~

NOTE: The health department has not conducted an inspection of the site to determine the suitability of the sewage disposal system for the proposed event facility.

c. Department of Ecology: The Department of Ecology commented that any ground water development proposal that will withdraw water in excess of 5,000 gallons per day for single or group domestic supply, or for the irrigation of more than one-half acre of lawn or non commercial garden will require a permit from the Department of Ecology.

d. Fire Marshal: The Benton County Fire Marshal commented that (1) Before the existing main building is opened to the public, the owners will need to submit a floor plan showing the width and length measurements for the various floor areas, and how each floor area will be used. (2) Depending on the occupant load, additional doors may be needed. The occupant load is determined by dividing the square feet of a room (area) by predetermined square feet per occupant stated in the Building Code.

Requirements: No requirements until buildings are converted from private to public use. At that time, the two previous above comments will need to be complied with before opening to the public.

e. Building Department: Any structures involved would require a building permit. **See attached documents with regards to Permit 14505**

f. Sunnyside Valley Irrigation District (SVID): Comments are attached.

f. Kennewick Irrigation District: No comments.

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

h. Planning Department Discussion:

1. This application is for an Event Center for weddings, receptions, reunions, etc. (DBA "Shadow Lake Ranch"). The events are to be conducted on an 80 plus-acre parcel of land. The property is in the Rural Lands 5 Zoning District. This property is located in an area of single-family residential homes and large pastures. Three existing buildings

are present and being utilized on the property; (1) a 5,500 sq. ft. lodge with a full kitchen and a 2,000 sq. ft. outside patio and deck and an outside bar and fireplace area, (2) a "Rustic Vacation House" and (3) one small cabin.

2. The applicants propose 40 on-site parking spaces in a gravel parking lot. The application provides that the maximum persons attending an event would be 200, which is consistent with the maximum allowed by BCC 11.160.050(0).

3. The applicant's property is served by a graveled private thirty-foot (30') access easement.

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

5. The planning department believes the septic system was only designed and installed as a single-family residential system and not for a commercial operation for up to 200 patrons. Additionally, the business must be served by an approved public water supply in accordance with WAC 246.291. It is hard to determine at this time if the proposed use could be serviced by adequate facilities (septic, drain field area and public water supply).

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

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

PLANNING STAFF FINDINGS OF FACT:

The applicants have hosted numerous receptions and events since the early 90's. This application was submitted in response to a code enforcement inquiry.

The following findings of fact are based on comments received up to the date of this staff memo dated February 22, 2013. Any comments received after the completion of this staff memo or submitted during the advertised public hearing of CUP 13-02 will need to be considered by the Board of Adjustment and may be added to the findings as set forth below. The Board may decide to adopt these findings as their own or amend/add to these Findings of Fact to the proposed listed conditions after holding the open public hearing.

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

1. The applicants/property owners are Clifton R./Clifton V./ Shirley Steelman P.O. Box 1457 Prosser, WA 99350
2. The property is located at 24409 N. Case Road Prosser, WA 99350-5605 in the South Half of the South Half of the Northeast Quarter and a portion of the East Half of the Northeast Quarter all in Section 22, Township 9 North, Range 25 East W.M. The applicants also own the adjoining 148 acres directly to the east.
3. Conditional Use Permit Application CUP 13-02 is an application for an Event Center for meetings, weddings, reunions, etc. (currently DBA "Shadow Lake Ranch"). The events are to be conducted on an 80 plus-acre parcel of land. The property is in the Rural Lands 5 Zoning District. This property is located in an area of single-family residential homes and large pastures. Three existing buildings are present on the property: (1) a 5,500 sq. ft. Lodge with a full kitchen and a 2,000 sq. ft. outside patio and deck. The facility also has an outside bar and fireplace area. (2) A "Rustic Vacation House" and (3) one small cabin.
4. The proposed use for CUP 13-02 is allowable by Conditional Use Permit as stated in BCC Section 11.16A.050 (o) if approved by the Benton County Board of Adjustment.
5. The application for CUP 13-02 was originally submitted to Benton County Planning Department on January 24, 2013. The application was declared complete for processing on January 25, 2013. The agency review letter was mailed out on January 30, 2013.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 13-02 was published on Thursday, February 14, 2013 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 March 7, 2013.
7. The proposed use would add approximately 80 trips per event on county maintained Case Road.
8. The applicants have not submitted any evidence of the impacts with any outright permitted use in the Rural Lands 5 Zoning District, so it is not possible to compare any such impacts with those of the proposed use.
9. The applicants are providing 40 on-site parking spaces in a graveled parking lot
10. The applicants have not submitted any evidence to prove that the noise disturbances from any outright permitted use in the Rural Lands 5 Zoning District would be significant.
11. The applicants have not submitted any evidence to demonstrate that their activity would not hinder or discourage development on neighboring properties more than any outright permitted use in the Rural Lands 5 Zoning District.
12. Currently, the septic system on the property was designed and installed for a two bedroom home and not for a commercial event operation. An on-site septic system evaluation

must be performed by the Benton/Franklin County Health Department before operation of the event center.

13. The facility must be served by an approved public water supply in accordance with WAC 246.291, and the Washington State Department of Health.

14. The renting party would be responsible to obtain a banquet license or whatever license would be required from the State of Washington if alcohol is to be served at any event. (This is State law not an action enforced by the county).

CONDITIONS OF APPROVAL:

If the Board of Adjustment decides to approve this Conditional Use Permit Application CUP 13-02 based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department would recommend that the following conditions be reviewed and considered by the Board of Adjustment:

1. Applicants shall not conduct any of the activities within the scope of Conditional Permit CUP 13-02 until the applicant is in compliance with all the Conditions set forth herein. The applicants shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the conditional use permit until those conditions have been met. The Conditional Use Permit shall not become effective until issued by the Planning Department.

2. If the conditions of approval have not been met and the Planning Department does not issue the conditional use permit within one (1) year from the time the Board of Adjustment conditionally approved the conditional use permit, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicants shall be notified in writing at the applicants' last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.

3. Per Benton County Code, Section 11.16.050(o). Use shall be limited to an event facility with a capacity not to exceed two hundred (200) attendees,

4. That the applicants provide written verification to the Benton County Planning Department that all requirements of the Benton Franklin Health District for the use of an on-site septic system has been approved prior to operation. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 13-02 is in effect.

5. The drain field and replacement areas must remain unencumbered and not used for parking or storing of any vehicles or equipment.

6. That the applicants provide written verification to the Benton County Planning Department that all requirements of the Washington State Department of Ecology for a Group B Public Water Supply System has been completed and approved. The applicants shall continue to meet all such requirements of the Department of Ecology while Conditional Use Permit CUP 13-02 is in effect.

7. That the applicants provide written verification to the Benton County Planning Department that all building permits required of the Benton County Building Department have been obtained and any additional buildings are permitted and will meet current building code standards. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 13-02 is in effect.

8. Applicants are subject to Benton County Code Section 6A.15.050 (p) provides that sounds created prior to 6:00 a.m. or after 10:00 p.m. are to be considered a public noise nuisance. Amplified music must be contained within an enclosed building. The applicants shall continue to meet such requirements while Conditional Use Permit CUP 13-02 is in effect.

9. If food is to be prepared on site, the applicants must obtain a Food Service Sanitation Permit per Washington Administrative Code (WAC 256-215) issued by the Benton-Franklin Health District.

10. That the applicants are to provide a parking plan showing where the parking will take place. Parking is limited to 40 (forty) cars. No additional parking will be allowed along the public or private right-of-way. No parking shall be allowed on adjoining properties not under the ownership of the parent parcel. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 13-02 is in effect.

11. The applicants need to maintain an emergency response and designated fire lane open and unobstructed at all times during an event at the facility. This plan is to be coordinated and approved by the Benton County Fire Marshal, Benton County Fire District #3 and the Benton County Sheriff's Office. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 13-02 is in effect.

13. That the approval of this conditional use permit does not in any way give the applicant approval for on-site distribution or consumption of alcoholic beverages. The rules and regulations of the Washington State Liquor Control Board must be followed. Appropriate permits or licenses must be obtained for any alcohol consumption on the premises. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 13-02 is in effect.

14. Owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation.

**CONDITIONAL USE
PERMIT**

CUP 13-03

APPLICANT:

JESUS GONZALES

**EXHIBIT LIST FOR CUP 13-03
JESUS GONZALES**

BOARD OF ADJUSTMENT STAFF MEMO EXHIBIT LIST			
BOAM 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAM 1.1	Staff Memo	February 22, 2013
	BOAM 1.2	Notice of Open Record Hearing	February 6, 2013
	BOAM 1.3	Benton County Fire Marshall comments	January 30, 2013
	BOAM 1.4	SVID comments	January 31, 2013
	BOAM 1.5	Benton County Bld Dept. comments	February 1, 2013
	BOAM 1.6	Benton Franklin Health District comments	February 1, 2013
	BOAM 1.7	Public Works comments	February 1, 2013
	BOAM 1.8	Benton PUD comments	February 1, 2013
	BOAM 1.9	Kennewick Irrigation District comments	February 6, 2013
	BOAM 1.10	Site plan	
	BOAM 1.11	Aerial of the site	
BOARD OF ADJUSTMENT – APPLICATION EXHIBIT LIST			
BOAR 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit – 3 pages	January 28, 2013
	BOAR 1.2	Plot Plan Map	
	BOAR 1.3		
BOARD OF ADJUSTMENT HEARING MARCH 7 2013			
BOAH 1 INCLUDES	EXHIBIT #	DOCUMENT NAME	DATE

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

BOAM 1.1

MEMO DATE: FEBRUARY 22, 2013

MEETING DATE: MARCH 7, 2013

TO: BENTON COUNTY BOARD OF ADJUSTMENT

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

RE: CONDITIONAL USE PERMIT APPLICATION – CUP 13-03

**APPLICANT
PROPERTY OWNER:** JESUS GONZALES
4510 YUMA DRIVE
PASCO, WA 99301

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit for a business activity to operate a warehouse for a granite, tile, and carpet flooring business, cutting and preparing merchandise to be installed at the customer's site.

BACKGROUND:

Site Location: The site is located at 226007 E. SR 397 Kennewick, WA 99337 on Block 20 lots 13, 14, 15, & 16 of Section 26, Township 8 North, Range 30 East, W.M.

Land Use: The site is currently developed with a single-family dwelling and accessory building with the surrounding area being developed with a mixture of residential dwellings and agricultural uses. A Business Activity is allowed in this zone by a conditional use permit.

Zoning: The site and surrounding properties are zoned 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: Categorically exempt.

APPLICABLE DEVELOPMENT REGULATIONS

11.16A.050 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Five Acre District (RL-5) if a conditional use permit is issued by the Board of Adjustment after notice and public hearing as provided by BCC 11.52.090(w)

(w) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from within 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 (1800 sq. ft. maximum) 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 (1) non-illuminating signs, with a maximum area of 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 onsite 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, paint, 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 of Monday thru Saturday, 7 a.m. to 6 p.m. and by appointment or as determined by the Board of Adjustment.

BENTON COUNTY CODE SECTION 11.52.090(D) STATES:

Conditional Use/Conditional Use Permit—Permit Granted or Denied. A conditional use/Special Use Permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment to conclude that, as conditioned, the proposed use:

(1) is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;

(2) will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;

(3) would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;

(4) will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;

(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/Conditional Use Permit application shall be denied."

FINDINGS OF FACT

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

1. The applicant/owner of the property are Jesus Gonzales 226007 E. SR 397 Kennewick, WA 99337.
2. The site is located at 226007 E. SR 397 Kennewick, WA 99337 in Finley on Block 20 lots 13, 14, 15, & 16 of Section 26, Township 8 North, Range 30 East, W.M.
3. The applicant is requesting approval of a Conditional Use Permit for a business activity to operate a warehouse for granite, tile, and carpet flooring business to cut, prepare and store merchandise on site to be installed off-site at the customers' residence.
4. The application for CUP 13-03 was submitted to Benton County on January 28, 2013 and was deemed complete for processing on January 29, 2013.
5. The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 13-03 was published on February 14, 2013 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 March 7, 2013.
6. Conditional Use Permit Application CUP 13-03 is categorically exempt from the requirements of the Washington State Environmental Policy Act.
7. The site is currently developed with a single-family residence and 800 sq. ft. outbuilding on the property.

8. The Benton County Comprehensive Plan designates the site and surrounding areas as "Rural Lands 5".
9. 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.
10. The Benton-Franklin Health District has commented that the site has been permitted for a 2-bedroom septic system, but at the date of this memo has not been installed or inspected. The drainfield and replacement areas must remain unencumbered and not used for parking, driving over or storage of any vehicles or equipment.
11. The Benton County Fire Marshal had no comment.
12. Benton County Building Department commented, "Building Permits will be required".
13. The Benton County Public Works Department stated that an Encroachment Permit would need to be obtained for access on to SR 397 that will meet County Standard Plan 96-05.
14. Warehouse for shipping and receiving of product thru cost less carpet customers. Benton County Planning would recommend that hours of operation be approved for Monday thru Saturday, 7 a.m. to 6 p.m. and by appointment.
15. Applicant stated only one sign would be used for the business activity.
16. If this application is approved the Planning Department would recommend that the Board of Adjustment emphasize the property must be kept picked up and that all 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.

DISPOSITION OF THE APPLICANT'S REQUEST

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

- (1) is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- (2) will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (3) would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (4) will be supported by adequate service facilities and would not adversely affect public services to the surrounding area;

(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 13-03, 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 CUP 13-03 until the applicant is in compliance with the following conditions. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the Conditional Use Permit until those conditions have been met. The Conditional Use Permit shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the Conditional Use Permit within one (1) Year from the time the Board of Adjustment conditionally approved the Conditional Use Permit, the Board of Adjustment may declare the 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. All of the business activities must be contained to the areas located within the site plan submitted with the application.
4. That the applicant continues to comply with the Benton Franklin Health District codes and regulations and any changes or modifications to the original submitted plan must be approved by the Health District and verification provided to the Benton County Planning Department. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 13-03 is in effect.
5. No parking within any part of the State or County Right of Way of SR 397 will be allowed. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 13-03 is in effect.
6. That the presence of customers/clients and non-resident employees at the business activity shall be limited to Monday through Saturday between the hours of 7:00 a.m. to 6:00 p.m. and by appointment. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 13-03 is in effect.
7. That any proposed outdoor lighting associated with this conditional use permit is deflected downward to avoid unnecessary glare on neighboring parcels. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 13-03 is in effect.

8. The applicant must apply for an approach permit for this business with the Benton County Public Works Department. The approach must be built to the Benton County Standard Plan 96-05.

9. That the property owner and the proprietor(s) 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, 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 to any State of Washington regulations.

10. That any waste created in association with the business as a result of this Conditional Use Permit must be disposed of off-site in a timely manor and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 13-03 is in effect.