

MEMOS WITHOUT EXHIBITS FOR
HEARINGS TO BE CONDUCTED ON
JULY 1, 2010 BY THE BOARD OF
ADJUSTMENT HAVE BEEN
SCANNED TO OBTAIN A
COMPLETE PACKET PLEASE
CONTACT THE BENTON COUNTY
PLANNING DEPARTMENT AT
736-3086/786-5612 OR EMAIL
PLANNING.DEPARTMENT@CO.BENTON.WA.US

EXTENSION REQUEST

SP 07-18

STEVE WESTERMEYER

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 21, 2010

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: EXTENSION REQUEST FOR SP 07-18 - STEVE WESTERMEYER

The Benton County Board of Adjustment on May 1, 2008 approved a special use permit -- SP 07-18 for the construction and operation of 286 mini-storage units on a 35-acre site. The site is located North of Interstate 82 in the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 28 East, W.M. The special use permit was approved with conditions to be satisfied within a one-year timeframe.

The applicant was given a year conditionally to satisfy the conditions of approval and was then also granted a one year extension, which expired on June 4, 2010. The applicant was contacted via a letter on June 10, 2010 informing him that his one-year extension request had expired and was he still pursuing the construction of the mini-storage units. The applicant responded by email on June 14, 2010 stating that he was still pursuing this special use permit and would be requesting an extension. The applicant's letter is attached in which he outlines his progress to date.

The Benton County Planning Department recommends that the Board of Adjustment make a motion to grant the applicant's extension request. The Board will need to state the amount of time to be granted to the applicant.

1. Applicant's email dated June 14, 2010
2. Site map
3. Mini-storage layout

SPECIAL USE PERMIT

SP 10-09

PAT/KORENE REDMAN

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 9, 2010 **BOA 2.1**

TO: BENTON COUNTY BOARD OF ADJUSTMENT

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

RE: ADDITIONAL INFORMATION REQUESTED BY THE BOARD OF
ADJUSTMENT PERTAINING TO SP 10-09 – PAT/KORENE REDMAN
HEARING CONDUCTED ON JUNE 3, 2010

The Planning Manager will only issue a Special Use Permit when the applicant has provided the necessary documentation that the conditions imposed by the Board of Adjustment have been satisfied. All conditions affixed to a specific action must be adhered to for the duration of the special use permit. If the applicant fails to abide by these requirements then said action would be turned over to the Benton County Code Enforcement Officer for a violation of their special use permit. If the applicant does not make the required corrections then they are in violation of BCC 11.52.089(e) and Chapter 11.54.

If the variance or conditional use/special permit has been issued by the Planning Department and violations occur, the Board of Adjustment may revoke the permit after an open record hearing with notice as set forth in BCC 11.52.089 (b).

Mr. Redman is applying for an amendment to his original special permit. He was at the Benton Franklin Health District on Monday June 7, 2010. I received a call from Rick Dawson, Land Use Supervisor for the Benton Franklin Health District; who informed me that Mr. Redman is in the process of performing the necessary work required by them to come into compliance with health regulations of Benton County. At the time of the original permit no employees other than Mr. Redman and his wife were listed for the business and that being the case no additional health requirements were needed. Seeing as Mr. Redman had no employees then no additional water or sewer services were required. Mr. Redman did meet the requirements of the Health District, but that changed when he hired additional employees. Mr. Redman will now be required to meet the requirements of the Health District by providing water and sewer services for his business.

One of the conditions of approval for Mr. Redman's original permit was that he installs a 30X40 concrete pad for the placement of equipment upon while he was processing it. Drainage or underground containment is not an option in this area as the wells for potable water are only 28 to 30 feet deep. A drain or underground containment piping of a storage tank etc. could lead to undetected ground water contamination. At the time of the issuance of the special permit this was the requirement that Mr. Redman had to complete to meet the counties requirements for cleanup of liquids associated with the operation of the approved business. Adding the hauling of hulk vehicles to the existing special permit should not change the conditions listed on the original permit.

Attachments:

BCC 11.52.089 – BOA 2.2

Chapter 11.54 – BOA 2.3

Findings of Fact SP 04-16 BOA 2.4

BFHD Letter dated December 14, 2006 BOA 2.5

SPECIAL USE PERMIT

SP 10-10

DONALD A. GAY

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-3612 or (509) 736-3086, Fax (509) 786-3629

BOA 2.1

MEMO DATE: JUNE 9, 2010

MEETING DATE: JULY 1, 2010

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: SPECIAL PERMIT APPLICATION – SP 10-10

**APPLICANT/
PROPERTY OWNER:** DONALD AND JENNIFER GAY
69804 EAST 710 PR NE
RICHLAND, WA 99352

SPECIFIC REQUEST: The applicant is requesting a special use permit for the operation of a motorcycle rental business.

BACKGROUND:

Site Location: The site is located at 69804 East 710 PR NE Richland, WA 99352 all on Lot 1 Short Plat #1723 in Section 19, Township 9 North, Range 28 East, W.M.

Land Use: The site is currently developed with a single-family residential structure and a 10X13 foot building that will be used for the storage of the rental equipment. The surrounding properties are developed for residential and agricultural purposes.

Zoning: The site and surrounding properties are zoned Agriculture.

Comprehensive Plan Designation: Site and surrounding areas are designated " Rural Lands 5".

State Environmental Policy Act: This application is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).

APPLICABLE DEVELOPMENT REGULATIONS:

11.52.090 CONDITIONAL USE/SPECIAL PERMITS.

1. The Benton County Code Section 11.16.010(o)(17) Special Permit states that: "Any of the following uses may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090.

(17) 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 detached accessory building if they meet the following criteria as well as any other conditions:

- (a) There must be a residence on site, and at least one (1) of the proprietors of

(a) 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.

(b) 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.

(c) 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.

(d) 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 subsection (c) above.

(e) No more than two (2) 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.

(f) 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, paint, inoperable vehicles, and heavy equipment that are related to the business.

(g) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations.

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

(i) 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.

(j) 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.

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 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.

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 owners are Donald and Jennifer Gay 69804 East 710 PR NE-Richland, WA 99352.
2. The applicant is requesting approval of a Special Permit for the operation of a motorcycle rental business as a business activity. The site is a 4.01 acre parcel of land located in the Southeast Quarter of the Northeast Quarter of Section 19, Township 9 North, Range 28 East, W.M. on Lot 1 of Short Plat 1723.
3. The application was submitted to Benton County on April 30, 2010, and declared incomplete, returned to the applicant for review and additional information. The application was resubmitted and accepted as complete on May 11, 2010.
4. Special Permit 10-10 did not require that a Notice of Application be published.
5. The notice for continuation of the Benton County Board of Adjustment Open Record Hearing was published on June 17, 2010, 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 from June 3, 2010 was continued to the next regularly scheduled meeting of July 1, 2010.
6. Special Permit Application SP 10-10 is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).
7. The site is currently developed with a single-family dwelling and an outbuilding. The surrounding properties are developed for residential and agricultural uses.
8. The site and surrounding properties are zoned Agriculture.
9. The Benton County Comprehensive Plan designates the site and surrounding areas as “Rural Lands 5”.
10. This application was routed to the following agencies: Benton County Fire District #1, Benton Clean Air Authority, Washington State Department of Health, Benton County Code Enforcement Officer, Washington State Department of Ecology, Benton PUD, and Verizon and no comments were received.
11. Typically, the Board of Adjustment has approved special permit applications for like businesses in the applicable zoning districts. This zone is for Agricultural and Residential uses and is allowed by special permit.

12. The special permit application does not request the use of any signs for the business.
13. Comments have been received from property owners within 300 feet of the perimeter of the lot for which the permit is being requested, and are attached to this staff memo.
14. The proposed use is using a shared driveway with 4 other lots. A large amount of traffic on the private driveway could impact the other property owners. The application states that the motorcycles will be stored at the site and then delivered to customers. If there were no customers coming to the site than the existing shared driveway should not be impacted. The proposed use should 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 Agricultural zoning districts.
15. The proposed use as shown in the application 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 Agricultural zoning districts.
16. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area. There is no evidence to support that the site would not be adversely affected. The residence on site is served by all the necessary services.
17. The application proposes to use a 10' by 13' building to store equipment for the business. The business activity does not allow on-site outside storage of vehicles, equipment and/or supplies no outside storage will be allowed in connection with the business activity. This prohibition applies to, but is not limited to: frames, parts, inoperable motorcycles, etc. or any equipment related to the business. The 10' by 13' shed does not appear to have much room to store more than one motorcycle. The applicant should provide more details on the storage of the motorcycles and any other materials used in the business. The applicant should also provide more details on the hours of operation and if the customers will be coming to the site. If the motorcycles will be tested and run around the site it could impact the neighboring properties.
18. The building department commented that the 10' by 13' would require a change of use 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; and

CONDITIONS OF APPROVAL:

If the Board of Adjustment decides to approve Special Permit Application 10-10, 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 Special Permit 10-10 until they are in compliance with condition 8 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 special permit until those conditions have been met. The special 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 special permit within one (1) year from the time the Board of Adjustment conditionally approved the special 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 applicant's last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.
3. 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. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
4. No non-resident persons, whether they work on site or not, may be employed by or be partners in the business. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
5. The business activity, including all storage space, shall not occupy more than 10' by 13' accessory building. The applicant shall continue to meet all such requirements while

Special Permit SP 10-10 is in effect. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.

6. No signs shall be permitted in connection with the business activity. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
7. Hours of operation should be limited to the hours between 2:00 p.m. and 7:00 p.m. Thursday thru Monday. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
8. The applicant shall be limited to a total of four (4) Street Legal Motorcycles for the purpose of rental on his property at any time. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
9. One vehicles marked to identify the business may be on the parcel. No on site signage will be allowed. No on-site outside storage of vehicles, equipment, parts and/or supplies are allowed in connection with the business activity. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
10. The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Special Permit SP 10-10 is in effect.
11. That any waste created in association with the business as a result of this special 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 Special Permit SP 10-10 is in effect.
12. Outside storage of motorcycles or vehicles is prohibited. The site will not be used as a test area for prospective customers to try out or drive the motorcycles around the site. The applicant shall continue to meet all such requirements while Special Permit 10-10 is in effect.

SPECIAL USE PERMIT

SP 10-06

AMERICAN ROCK PRODUCTS

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

BOA 1.1 

DATE: JUNE 16, 2010
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: SPECIAL PERMIT APPLICATION – SP 10-06
APPLICANT: AMERICAN ROCK PRODUCTS, 2090 ROBERTSON DRIVE,
RICHLAND, WA 99352
PROPERTY OWNER: PORT OF BENTON, 3100 GEORGE WASHINGTON WAY,
RICHLAND, WA 99352

SPECIFIC REQUEST: The applicant, American Rock Products, is requesting approval of a Special Permit Application 10-06 to operate a portable concrete batch plant with support equipment on a 22.16-acre parcel.

BACKGROUND:

Site Location: Portion of the Southeast Quarter of the Southeast Quarter of Section 27, Township 9 North, Range 24 East, W.M., lying North of the railway right-of-way

Land Use: Site: Undeveloped.
Surrounding Properties: Residential and agricultural uses.

Zoning: Site/Surrounding Properties: Unclassified.

Comprehensive Plan: The Benton County Comprehensive Plan designated the site and surrounding areas North of Johnson Road as "Rural Lands 5". The areas South of Johnson Road are designated as "Urban Growth Area".

State Environmental Policy Act: Special Permit Application SP 10-06 was reviewed under the State Environmental Policy Act and a Determination of Non-Significance was issued on May 26, 2010.

APPLICABLE DEVELOPMENT REGULATIONS:

1. The Benton County Code Section 11.48.010(h) (In the Unclassified Zoning District) states that: "All other uses of property not otherwise prohibited by laws of Benton County or the State of Washington, in addition to those listed below, may be allowed only by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090."
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 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.

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 is American Rock Products and property owner is the Port of Benton.
2. Special Permit Application SP 10-06 is a request for approval to operate a portable concrete batch plant with support equipment on a 22.16-acre parcel.
3. The parcel is located on that portion of the Southeast Quarter of the Southeast Quarter of Section 27, Township 9 North, Range 24 East, W.M., lying North of the railway right-of-way.
4. The application for SP 10-06 was submitted to Benton County on March 4, 2010 and declared incomplete on March 5, 2010. The applicant resubmitted on April 12, 2010 with the requested additional information and was deemed complete for processing on April 27, 2010.
5. The Notice of Application for Special Permit Application 10-06/EA 10-14 was published on May 6, 2010.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application SP 10-06 was published on June 17, 2010 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for July 1, 2010.
7. Special Permit Application SP 10-06 was reviewed under the requirements of the Washington State Environmental Policy Act. A Determination of Non-Significance was issued on May 26, 2010.
8. The site is currently undeveloped. The surrounding properties are developed with residential and agricultural uses. There are about 10 single-family dwellings located within 1500 feet of the site with the closest dwelling being within 500 feet.
9. The Benton County Comprehensive Plan designated the site and surrounding areas North of Johnson Road as "Rural Lands 5". The areas South of Johnson Road are designated as "Urban Growth Area".
10. The site and surrounding areas are zoned Unclassified.
11. Benton County Engineers had the following comments: (1) The entrances to this parcel are currently graveled. The entrances will need to be updated to paved aprons. (2) The Benton County Standard Plan 96-05 shows a 30-foot maximum width. This approach may need to be paved wider to accommodate the dump trucks that are turning on and off of Gap Road. An Approach Encroachment Permit will need to be obtained by the applicant, and the width will be determined at that time. (3) We see on the small plot plan that there is a retention pond. We will need a drainage report on their plan for detaining storm water runoff and treating contaminated water from the site."

12. The Benton Franklin Health District commented that the site must be served by an approved sewer disposal system and public water supply. .
13. The Benton Clean Air Authority did not provide comments for the special permit application, but based on their Internet site, a permit is required for a portable concrete batch plant and that should include a dust control plan. .
14. The application request includes a four (4) foot by eight (8) foot sign. The application does not state if the sign will be lighted. Normally the Board would restrict the size of the sign to a 32 square foot non-illuminated sign. The applicant showed that the sign would be located adjacent to the right of way for Gap Road. The sign must meet the 25-foot setback requirement and should not be located on the right of way of Gap Road.
15. The proposed use could produce noise that could effect the enjoyment of the surrounding properties. The noise would include large trucks, back up horns, and gravel dumping and conveyor systems. According to the applicant's representative, they are only planning to use the site on a temporary bases, through the end of 2011. The site plan shows stockpiles on the south and west side of the site for the batch plant. The stockpiles will help reduce the noise impact on the surrounding properties.
15. The site of this application is currently designated as Rural Lands 5. The Benton County Comprehensive Plan states the following for Rural Lands 5:

"Definition and Purpose

The intent of the Rural Lands is to enable rural residential living, consistent with the historic custom and culture of that lifestyle within the county. Generally these are areas within which the predominant land use is not large/scale commercial agriculture, though isolated commercial farms may exist within rural residential areas and almost always abuts them and serves as an employment base.

Actual use is a leading indicator of where lands are suitable and desirable for small acreage residential parcels, farms, ranchettes, and other uses that can be developed in harmony with rural character.

"Rural character", as the residents living it perceive it, is different among the various rural communities across the county. For example, rural residents in the West Richland/Richland area have distinctly different preferences than those in Finley or Paterson/Plymouth.

There are also fundamental commonalities shared by residents in all of the rural areas; they are:

- low density;
- the ability to keep large animals;
- open spaces for recreation and wildlife;
- peace and quiet;
- no city;
- control growth;
- good roads;
- more police security/presence; and,
- A clean up trash and junk".

Aside from meeting the requirements Of GMA, the primary purposes of the Rural Lands use category are:

- to accommodate demands of non/farm families and hobby farmers for rural living;
- to provide buffers between urban and agricultural uses; and where there are appropriate land forms, e.g., ridges, mountains, and rivers and floodplains, between urban areas; to conserve lands potentially suitable for future inclusion into Urban Growth Areas (in those areas so identified) in close proximity to urban areas and services."

The area south of Johnson Road, that is within the City of Prosser's Urban Growth Area is designated by the City's Comprehensive Plan as "Manufacturing/Light Industrial".

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 Special Permit Application 10-06, 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 Special Permit 10-06 until the applicant is in compliance with condition nos. 3, 4, and 5 as 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 special permit until those conditions have been met. The special permit shall not become effective until it is issued by the Planning Department.

2. If the conditions of approval have not been met and the Planning Department does not issue the special permit within one (1) year from the time the Board of Adjustment conditionally approved the special permit, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.
3. That the applicant provides written verification to the Benton County Planning Department, that the applicant has filed with the Benton Clean Air Authority and that such permit has been approved. The applicant shall continue to meet all such requirements while Special Permit SP 10-06 in effect.
4. That the applicant provides written verification to the Benton County Planning Department that the applicant has obtained an encroachment permit and has installed the road improvements as required by the Benton County Department of Public Works. The applicant shall maintain the road approach while Special Permit SP 10-06 is in effect.
5. That the applicant provides written verification from the Benton Franklin Health Department to the Benton County Planning Department that the applicant has complied with the Health Department's requirements. If concrete is disposed of onsite, the applicant must provide written verification to the Benton County Planning Department, that the applicant has obtained an Inert & Demolition Landfill Permit in compliance with Chapter 173-304 WAC, from the Benton-Franklin Health Department. The applicant shall continue to meet all such requirements while Special Permit SP 10-06 is in effect.
6. That any waste created as a result of the activity must be disposed of in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Special Permit SP 10-06 is in effect

SPECIAL USE PERMIT

SP 10-11

WILLIAM D. JENKINS

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-3612 or (509) 736-3086, Fax (509) 786-5629

BOA 1.1

MEMO DATE: JUNE 18, 2010
MEETING DATE: JULY 1, 2010
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: SPECIAL PERMIT APPLICATION – SP 10-11
**APPLICANT/
PROPERTY OWNER:** WILLIAM D. JENKINS.
82108 N.WEIDLE ROAD
WEST RICHLAND WA 99353-6171

SPECIFIC REQUEST: The applicant is requesting a special use permit for the operation of a private commercial kennel with no more than 5 dogs.

BACKGROUND:

Site Location: The site is located at 82108 N Weidle Road in Section 19 Township 10 North, Range 28 East, W.M.

Land Use: The site is currently developed with a single-family dwelling and one detached outbuilding. The surrounding properties are developed for residential and agricultural purposes.

Zoning: The site and surrounding area is in the Unclassified Zone.

Comprehensive Plan Designation: Site and surrounding areas are designated “ Rural Lands 5”.

State Environmental Policy Act: This application is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).

APPLICABLE DEVELOPMENT REGULATIONS

1. The Benton County Code Section 11.48.010(h) (In the Unclassified Zoning District) states that: “All other uses of property not otherwise prohibited by laws of Benton County or the State of Washington, in addition to those listed below, may be allowed only by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090.”
2. The Benton County Code Section 11.04.020(88) provides the following definition: “Kennel, Commercial” means any premises on which more than three (3) dogs each more than six (6) months old are housed, groomed, bred, boarded, trained or sold.”
3. The Benton County Code Section 11.04.020(77) provides the following definition: “Kennel, Private” means any premises on which one or more dogs are housed, groomed, bred,

boarded, trained, or sold but that does not meet the definition of a commercial kennel as defined herein.”

4. 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.

5. 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.”

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.

Based on the evidence presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

1. The applicant, William Jenkins, is requesting approval of a special permit application for the operation of a private kennel to house up to 5 dogs.
2. The application for SP 10-11 was submitted to the Benton County Planning Department on May 6, 2010 and was deemed incomplete on May 13, 2010. The applicant resubmitted on May 24, 2010 and was deemed complete for processing on May 27, 2010.
3. The legal notification for the Open Record Hearing with the Benton County Board of Adjustment for SP 10-11 was published on June 17, 2010 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel on June 16, 2010. The Open Record Hearing is scheduled for July 1, 2010.
4. Special Permit Application SP 10-11 was categorically exempt for review under SEPA and the requirements of the Washington State Environmental Policy Act.
5. The Sheriff's Department notes that after a site visit the applicant already has in excess of five dogs at the site. It was also observed that there was accumulation of dog feces within the area where the dogs currently reside along with garbage, trash and junk accumulating on the site.
6. The site was unclean and presents as a health issue due to the smell and considerable accumulation of dog waste noted on site.
7. No kennel structure had been constructed on site to house the dogs.
8. Applicant shows a "WIRE" fence surrounding the area that housed the dogs. The dogs will not be housed in kennels.
9. Testimony presented by the Sheriff's office as of June 8, 2010 states that there are two (2) potentially dangerous dogs that reside at this address that do not belong to William Jenkins. These two dogs belong to his son Eric Knapp who also must live on-site. The Benton County Sheriff's Office notes that he is out of compliance with their office as the required permits to keep these two potentially dangerous dogs has expired.
10. The applicant did not present to the Board an outline of a kennel facility. Currently there is a manufactured home on the property where the dogs will be kept, he felt that what he had would be adequate to house the dogs during the winter and summer months.
11. The applicant was requesting a private kennel facility for the keeping of up to 5 dogs.
12. Special Use Permit – SP 10-11 was a direct result of a Code Enforcement violation of the operation of a dog kennel of over three dogs without a special use permit being obtained.

13. This operation should be considered a personal use kennel as there will be no sale or breeding associated with this kennel facility.

CONCLUSIONS OF LAW

A. The requested use is allowable by a special use permit under the current zoning ordinance.

B. The requested use is compatible with the other uses in the surrounding area, and there was no evidence that any outright permitted use in the applicable zoning district is as incompatible with the existing uses in the surrounding area as the requested use.

C. The special use permit would 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.

D. The granting of the special use permit 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.

E. The granting of the special use permit would be supported by adequate service facilities and would not adversely affect public services to the surrounding area.

F. The granting of this special use permit 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.

DECISION

NOTE: Based on the information submitted from the Benton County Sheriff's Department and from the Benton County Code Enforcement Officer, the Planning Department recommends denial of Special Permit 10-11. There are too many violations currently existing on the parcel to approve a special permit at this time, in addition there are two dogs on the site that are not permitted as potentially dangerous dogs and they need to be as per the Sheriff's Department. The applicant should be limited to the three dogs allowed within that zone and be denied the special permit application SP 10-11 for 5 dogs.

If the Board of Adjustment decides to approve Special Permit Application 10-11 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 Special Permit 10-11 until the applicant is in compliance with conditions as 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 special permit until those

conditions have been met. The special 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 special permit within three (3) months from the time the Board of Adjustment conditionally approved the special 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 applicants' last known address at least twelve (12) days in advance of the upcoming Board of Adjustment meeting.

3. The number of adult dogs be limited to five (5) and none of the adult dogs are to be replaced until the legal limit of three adult dogs has been reached according to Benton County Code and that the number of personal pets be limited to three to be allowed to reside inside the applicant's residence,

4. That the applicant provides written verification to the Benton County Planning Department that all requirements of the Benton County Building Office and Benton County Sheriff's Office have been complied with. The applicant shall continue to meet all such requirements while Special Permit SP 10-11 is in effect.

5. The dogs shall be kept in the fenced area at all times when they are outside. The applicant shall continue to meet all such requirements while Special Permit SP 10-11 is in effect.

6. This operation will be considered a "commercial kennel for private use" with no sale of animals

7. The kennel permit will be automatically revoked upon the applicant violating any of the conditions of approval.

SPECIAL USE PERMIT

SP 10-13

MARIYA TARASYUK

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

BOA1.1

MEMO DATE: JUNE 16, 2010
MEETING DATE: JULY 1, 2010
TO: BENTON COUNTY BOARD OF ADJUSTMENT
FROM: BENTON COUNTY PLANNING DEPARTMENT
RE: SPECIAL PERMIT APPLICATION – SP 10-13
**APPLICANT/
PROPERTY OWNER:** MARIYA TARASYUK
5601 W LATTIN ROAD
WEST RICHLAND, WA. 99353.

SPECIFIC REQUEST: The applicant is requesting a special use permit for the operation of a business to repair motor vehicles including boats, ATV's etc.

BACKGROUND:

Site Location: The site is located at 5601 W Lattin Road in the Northwest Quarter of the Northeast Quarter in the Northeast Quarter of the Southwest Quarter of Section 18, Township 9 North, Range 28 East, W.M.

Land Use: The site is currently developed with a single-family residential home and one detached 1200 sq ft out-building; the surrounding properties are developed for residential and agricultural purposes.

Zoning: The site and surrounding properties are zoned Agriculture.

Comprehensive Plan Designation: Site and surrounding areas are designated " Urban Growth Area

State Environmental Policy Act: This application is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).

APPLICABLE DEVELOPMENT REGULATIONS

11.52.090 CONDITIONAL USE/SPECIAL PERMITS.

1. The Benton County Code Section 11.52.090(A) (Conditional Use/Special Permit General Standards) states that: "Any of the following uses may be allowed by special permit issued by the Benton County Board of Adjustment after notice and public hearing as provided in BCC 11.52.090."
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 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.

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;

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 Mariya Tarasyuk 5601 W. Lattin Road. West Richland, WA 99353
2. The applicant is requesting approval of a Special Permit for the operation of a business to repair motor vehicles including boats, ATV's etc., The site is 5601 W Lattin Road in the Northwest Quarter of the Northeast Quarter in the Northeast Quarter of the Southwest Quarter of Section 18, Township 9 North, Range 28 East, W.M.
3. The application was submitted after an on-site visit to the Benton County Planning Department on June 4, 2010, and declared complete on June 4, 2010.
4. Special Permit 10-13 did not require that a Notice of Application be published.
5. The notice for the Benton County Board of Adjustment Open Record Hearing was published on June 17, 2010, in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for July 1, 2010.
6. Special Permit Application SP 10-13 is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).
7. The site is currently developed with a single-family dwelling and one outbuilding. The surrounding properties are developed for residential and agricultural uses.
8. The site and surrounding properties are zoned Agriculture.
9. The Benton County Comprehensive Plan designates the site and surrounding areas as "Urban Growth Area".
10. This application was routed to, but no comments were received from the following agencies: Benton County Fire District #1, Benton Clean Air Authority, Benton County Code Enforcement Officer, Washington State Department of Ecology, Benton PUD, and Verizon.
11. Typically, the Board of Adjustment has approved special permit applications for like businesses in the applicable zoning districts. This zone is for Agricultural and Residential uses and is allowed by special permit. Attached is the Benton County Code Agricultural District Section 11.16.010(o)(17). Permissible Use of Buildings.

12. The special permit requests one 2x2 foot outdoor sign. The hours of operation will be 8 a.m. to 5:00 p.m. Monday thru Friday.
13. No comments have been received from property owners within 300 feet of the perimeter of the lot for which the permit is being requested.
14. The proposed use would 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 Agricultural zoning districts.
15. The proposed use as shown in the application 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 Agricultural Zoning District.
16. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area. There is no evidence to support that the site would not be adversely affected. The residence on site is served by all the necessary services.
17. On Hazardous Waste & Toxic Reduction, the applicant states that any used fluid and oils are collected in waste containers and is picked up by a third party oil company.

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 Special Permit Application 10-13, 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 Special Permit 10-13 until she is in compliance with all the 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 special permit until those conditions have been met. The special 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 special permit within one (1) year from the time the Board of Adjustment conditionally approved the special 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 business activity, including all storage space, shall not occupy more than eighteen hundred (1800) square feet of total floor area within a detached accessory building. Only one (1) approved detached accessory building on a parcel may be used for the business activities. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect. Non-permitted storage containers are not allowed.
4. The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect.
5. The requested special permit shall not be granted for the keeping of more than one (1) vehicle advertising the business on the site at any time. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect.
6. That the Special Permit for a vehicle repair shop repairing motor vehicles, boats, ATV's etc, would be permitted between the hours of 8:00 a.m. and 5:00 p.m. Monday thru Friday. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect.
7. That 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. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect.

8. That any waste created in association with the business as a result of this special 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 Special Permit SP 10-13 is in effect.
9. That no more than two (2) 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 the street (inside the road right-of-way) sign posting which interferes with the line-of-site for road intersections, are prohibited. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect.
10. The hoist that is currently outside of the existing building will need to be enclosed so it is not an attractive nuisance to children in the residential area. The applicant shall continue to meet all such requirements while Special Permit SP 10-13 is in effect
11. Applicant states that any used fluid and oil is collected in waste containers and is picked up by a third party oil company. The applicant shall continue to meet this requirement while Special Permit 10-13 is in effect.
12. The requirements of the Benton-Franklin Health District must be met prior to issuance of a special use permit. The applicant shall continue to meet all such requirements while Special Permit 10-13 is in effect.
13. No overnight outside parking of customers' vehicles is allowed, without a site-obscuring fence for storage. Storage areas with hulk and non-operable vehicles are prohibited outside of this fenced area. The applicant shall continue to meet all such requirements while Special Permit 10-13 is in effect.
14. The Benton County Fire Marshal commented that no special requirements are necessary for normal repair work, however welding and painting are not approved at this time.