

BENTON COUNTY BOARD OF ADJUSTMENT
MARCH 4, 2010 – 7 P.M. – REGULAR MEETING
PLANNING ANNEX – 1002 DUDLEY AVENUE
PROSSER, WASHINGTON 99350

The Vice-Chairman opened the public portion of the hearing at 7 p.m.

NOTE: The transcript of the March 4, 2010 meeting is a summarization of the testimony presented and not a verbatim transcript.

NOTE: the Recorder had sworn all those testifying at this hearing in.

ROLL CALL: PRESENT:

Dean Burrows – Vice-Chairman
Herb Everett - Member
Bob Page - Member
Glenn Bestebreuer - Member
Clark Posey – Senior Planner
Carel Hiatt – Recorder

ABSENT:

Brent Chigbrow – Chairman

MOTION: Motion was made to accept the January 7, 2010 Board of Adjustment minutes as noted. Correction was made by Mr. Everett on Page Four regarding a discussion by Mr. Everett and Mr. Burrows The applicant had adequate property to locateIf the applicant . . . would **not** that the word “not” be inserted. Correction made – motion carried.

UNFINISHED BUSINESS:

VARIANCE REQUEST – VAR 09-04 – DAVID SCOTT

The Planner informed the Board that the applicant was requesting a continuance on this action as he was still working with the Benton Franklin Health District.

MOTION: Mr. Everett moved and Mr. Bestebreuer seconded the motion that the Variance Request – VAR 09-04 be continued to May 6, 2010 with no further continuances. Motion carried.

NEW BUSINESS:

SPECIAL USE PERMIT – SP 10-01 for the operation of a fruit and vegetable seed drying, storage and wholesale business to be conducted in two existing metal buildings. The site is located at 14502 N Rothrock Road – Prosser in Section 29, Township 9 North, Range 25 East, W.M. Applicant: James/Teresa Early – P O Box 177 – Prosser, WA 99350

The Planner informed the Board about the applicant’s request for the operation of a fruit/vegetable/seed drying, storage and wholesale business in an existing facility. Exhibit Nos. 1- 13 into the record by reference.

NOTE: Mr. Bestebreuer informed the Board and audience that he knew the applicant, but felt he could be objective in his decision making process with regards to this special use permit. However, if objections were voiced he would step down on this action. Hearing no objections Mr. Bestebreuer remained on the Board for this hearing action.

APPLICANT TESTIMONY: JIM EARLY – P O BOX 177 – PROSSER, WA 99350, stated that his business had been in operation at this site since 1995. Prior to him operating from this site the facility had been utilized by Pendleton Grain Growers (PGG) for many years without any permits being obtained. The applicant stated that seeing the site was originally utilized as a grain storage facility; he did not understand that he would need to obtain a special use permit for his business operation.

Mr. Bestebreuer asked the Planner if PGG had obtained a special use permit. The Planner responded that PGG had been in operation many years ago, probably prior to special use permits being required.

Mr. Burows asked the applicant if he had read and understood the conditions of approval. The applicant replied that he had, but would like to postpone Condition No. 6 with regards to the installation of fencing for one year.

Mr. Burows informed the applicant that typically a business couldn't be operated until all of the required conditions of approval had been satisfied. He would not venture to state that the Board would grant him a year to install the fencing.

The applicant stated he would install the fencing.

The Planner informed the applicant and the Board that the reasoning for the fencing was that the applicant had equipment stored outside of the building creating an attractive nuisance due to the close proximity of a school and unattractive to the closest residence.

Mr. Bestebreuer stated that with only five employees located at the site, traffic would not be an issue.

Mr. Burows asked if the site was more of a transfer station. The applicant replied it was a cleaning, warehouse and shipping site.

Mr. Page asked if the product came in by truck. The applicant stated that his company supplied all the trucks for transport. Majority of the time traffic is very light, except for peak processing time, which would only be for a couple of months.

Mr. Page questioned Condition No. 1 in that it would allow the applicant to continue to operate his business without all of the conditions of approval being satisfied, particularly the fencing installation. The Planner replied that the applicant was in compliance with all of the conditions and would install the fencing.

Mr. Page asked the applicant about the plastic barrels being stored on site. The applicant replied the products were seeds from California utilized in his business.

Mr. Page asked if all the equipment stored on site was operational. The applicant replied that all of his equipment was in good working order.

PROPONENT/OPPONENT TESTIMONY/APPLICANT REBUTTAL: None.

The Vice-Chairman closed the public portion of the hearing.

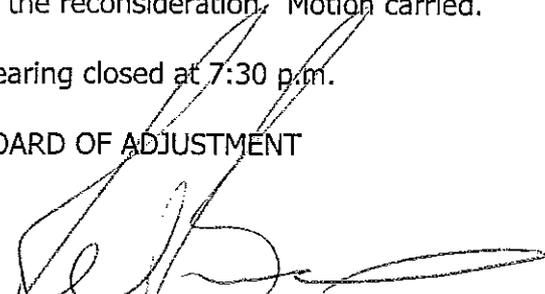
PLANNING DEPARTMENT REPORTS AND DISCUSSION:

RECONSIDERATION OF THE BOARD OF ADJUSTMENT'S DECISION TO DENY VARIANCE REQUEST – VAR 09-09 – KEITH MARKS.

MOTION: Mr. Everett made a motion seconded by Glenn Bestebreuer to reconsider this action to the April 1, 2010 Board of Adjustment meeting – Planning Annex – 1002 Dudley Avenue – Prosser, WA at 7 p.m. Mr. Burows felt that no new evidence had been presented to state that the Board decision to deny this action was wrong. Motion carried. Herb Everett, Glenn Bestebreuer and Bob Page voted in favor of the reconsideration. Mr. Burows voted in opposition to the reconsideration. Motion carried.

Hearing closed at 7:30 p.m.

BOARD OF ADJUSTMENT



DEAN BUROWS – VICE CHAIRMAN

Recorder: Carel Hiatt