

**THE FOLLOWING MEMOS HAVE BEEN  
SCANNED WITHOUT EXHIBITS FOR  
THE HEARING TO BE CONDUCTED BY  
THE SHORELINES HEARING BOARD  
ON  
THURSDAY, MAY 5, 2011 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**

**CONTINUATION**

**SHORELINES/CONDITIONAL USE  
PERMIT**

**SCUP 10-01**

**APPLICANT:  
MATT/WHITNEY BAKER**

# 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 3.1**

DATE: APRIL 22, 2011

TO: BENTON COUNTY BOARD OF ADJUSTMENT

FROM: BENTON COUNTY PLANNING DEPARTMENT

RE: SCUP – 10-01 – MATT/WHITNEY BAKER  
CLARIFICATION FROM PROSECUTING ATTORNEY

The Benton County Board of Adjustment conducted a public hearing with regards to the Shorelines/Conditional Use Permit – SCUP 10-01 in which the applicant was requesting to use the existing open sided gazebo type structure with attached concrete patio located in the rural designation of the Yakima River shorelines for an event facility for the hosting of weddings/receptions, etc. The gazebo is within the 200-foot shoreline setback designation (125 feet from the river).

The Board of Adjustment closed the public portion of the hearing and made a motion to continue said action for 60 days disallowing any further testimony, except for an interpretation from the Benton County Prosecuting Attorney's office with regards to the following: "If the shorelines/conditional use permit were to be approved for the commercial use of the gazebo for the event facility would this be disallowed seeing as the special use permit for the event center was denied."

The Benton County Planning Department did meet with the Prosecuting Attorney for Benton County and attached is the written clarification with regards to this matter.

The Benton County Board of Adjustment at their May 5, 2011 meeting will need to reopen the public hearing for the taking of additional public testimony and review the clarification comments from the Benton County Prosecuting Attorney. Upon conclusion of the testimony presented the Board will need to make a motion as to either approve or deny the Shorelines Conditional Use Permit – SCUP 10-01. If the Board does approve this action it should be contingent on the approval of the special use permit.

Enclosure: Clarification from Prosecuting Attorney

Cc: Matt/Whitney Baker  
John Ziobro – Attorney for the applicants  
Fran Forgette – Attorney for the opponents