

**BENTON COUNTY  
BOARD OF  
ADJUSTMENT  
CONTINUED  
HEARING ON SP 10-  
16 – MATT BAKER**

**PLANNING ANNEX – 7 P.M. 1002 DUDLEY AVENUE  
PROSSER, WA 99350**

MEMO FOR SP 11-03 HAS BEEN  
SCANNED FOR THE BOARD OF  
ADJUSTMENT HEARING TO BE  
CONDUCTED ON THURSDAY  
MARCH 3, 2011 TO OBTAIN A  
COMPLETE COPY OF THIS ACTION  
PLEASE CONTACT THE BENTON  
COUNTY PLANNING DEPARTMENT  
AT 736-3086 OR 786-5612  
OR BY EMAIL AT  
PLANNING.DEPARTMENT@CO.BENTON.WA.US

# 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

**MEMO DATE:** FEBRUARY 18, 2011  
**MEETING DATE:** MARCH 3, 2011  
**TO:** BENTON COUNTY BOARD OF ADJUSTMENT  
**FROM:** BENTON COUNTY PLANNING DEPARTMENT  
**RE:** SPECIAL PERMIT APPLICATION – SP 11-03

**APPLICANT/  
PROPERTY OWNER:** ALEXANDRIA NICOLE CELLARS  
2880 LEE ROAD, SUITE C  
PROSSER, WA 99350

**SPECIFIC REQUEST: (Glamping) Glorious Camping:** The applicant is requesting a special use permit for placement of three tent structures of 18X20 square feet for overnight rental accommodations. Each unit will have a wooded floor, electricity, water and sewer and attached wood deck. During a typical glamping trip, for example, the tents are often designed with bright designer colors and materials. These tents can be wired for electrical power, which means occupants can operate appliances, reading lights and climate controls.

## **BACKGROUND:**

Site Location: The site is located at 158422 W. Sonova Road, Patterson, WA 99345 in Sections 28, 29 and 32 in Township 5 North, Range 24 East, W.M.

Land Use: The site is currently developed with an approximate 60X120 foot building used for a wine production facility. The surrounding properties are developed for residential and agricultural purposes including other wineries. This parcel of land is in excess of 120 acres.

Zoning: The site and surrounding properties are zoned GMA Agriculture.

Comprehensive Plan Designation: Site and surrounding areas are designated "GMA Agriculture".

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:**

**11.18.070 USES REQUIRING PERMITS--CONDITIONAL USE PERMIT REQUIRED.** Upon issuance of a conditional use permit by the Board of Adjustment, the following uses shall be permitted within the GMA Agricultural District; provided that they are located in a manner that minimizes adverse impacts to agricultural productivity on adjacent lands:

**Benton County Code 11.18.070 (21)**

(21) Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Board of Adjustment:

- (a) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;
- (b) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;
- (c) The parcel on which the non-agricultural accessory use is located meets one of the following:

- (i) the parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;

- (ii) the parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW; or

- (iii) the parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.

- (d) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;
- (e) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;
- (f) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the non-agricultural accessory use;
- (g) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;
- (h) No more than two (2) signs of a size determined by the Board of Adjustment shall be permitted in connection with the non-agricultural accessory use. Illumination of a sign shall be only by hooded directional lighting so that only the sign surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right-of-way may interfere with the line of sight for road intersection;
- (i) The parcel and non-agricultural accessory use owner 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 non-agricultural accessory use being pursued. The requirements of or the permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations;

- (j) Adequate off road parking, as determined by the Board of Adjustment, must be provided;
- (k) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations; and,
- (l) The days and hours of operation shall be determined by the Board of Adjustment with the granting of a Conditional Use Permit.

**11.52.090 CONDITIONAL USE/SPECIAL PERMITS.**

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 Alexandria Nicole Cellars, LLC. 2880 Lee Road, Suite C, Prosser, WA. 99350. The site address of the project is 158422 Sonova Road. Paterson, WA 99345.
2. The applicant is requesting approval of a Special Permit for the operation of overnight accommodations for rent. Glamping consists of 3 - 18X20 foot tents equipped with motel like amenities. The site is on a 100 + acre parcel located in Sections 28, 29 and 32, Township 5 North, Range 24 East, W.M.
3. The application was submitted to Benton County on February 2, 2011, and declared complete for processing on February 8, 2011.
4. Special Permit 11-03 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 February 17, 2011, 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 3, 2011.
6. Special Permit Application SP 11-03 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 an outbuilding used for wine production. The surrounding properties are in agricultural uses, wineries, and some single-family residences.
8. The site is zoned GMA Agriculture and is surrounded by a grape vineyard.
9. The Benton County Comprehensive Plan designates the site and surrounding areas as "GMA Agriculture".
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, Verizon and no comments were received.

11. The Benton County Fire Marshal's comments are attached to this memo.
12. The Benton-Franklin Health District had the following comments,
  - 1) The three proposed "glamping" sites must be served by an on-site septic system that has been permitted, inspected and approved by that office.
  - 2) The three proposed "glamping" sites must be served by an approved water supply. If the applicant chooses to supply these three sites with water from the public water supply that is serving the production facility on the property to the west, then they must receive approval from the Department of Health for the additional connections.
13. The existing apron onto Sonova Road has already been paved. The Public Works Department had no additional comments.
14. The Board of Adjustment has approved special permit applications for compatible businesses in this zoning district. This zone is for agricultural and residential uses. Per Benton County Code this use can be allowed by special permit.
15. The special permit application requests the use of 3 - 20X24 foot signs for the business.
16. 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 GMA Agricultural Zoning District.
17. 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 GMA Agricultural Zoning District.
18. 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.
19. The building department commented that the glamping tents 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 11-03, 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 Special Permit 11-03 until they are in compliance with all the conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions have been completed and the Planning Department shall not be issued 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 3 - 18X20 foot tents with wood decks. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.
4. One advertising sign and two directional signs shall be permitted in connection with the business activity. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.
5. Days of operation as requested shall be limited to Friday thru Sunday. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.

6. The applicant shall be limited to a total of three (3) tents for the purpose of overnight rental (Glamping) on the property at any time. No overnight accommodations or recreational vehicle spaces are permitted without a separate application and review of SP 11-03 from the Benton County Board of Adjustment. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.
7. No more than three vehicles marked to identify the non - agricultural accessory use may be on the parcel at any time. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.
8. Two (2) signs are allowed on site per Benton County Code. Illumination of a sign shall be only by hooded directional lighting so that only the sign service is illuminated. The posting of such a sign is limited to the parcel on which the non-agricultural use is located. On-street (inside the road right of way) sign posting is prohibited, and no sign outside a road right of way may interfere with the line of site for any road intersection. The applicant has requested 3 signs of 20X24 feet. If approved the Planning Department would recommend only allowing one sign to be visible from the road. If the other two signs are for directional for the private road we would have no requirement for them The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.
9. No on-site outside storage of equipment, parts and/or supplies will be allowed in connection with the approved business activity. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 is in effect.
10. The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or the permission granted by the Board of Adjustment shall not be construed as an exemption from any local, state, or federal regulations. The applicant shall continue to meet all such requirements while Special Permit SP 11-03 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 11-03 is in effect.