

EXHIBIT LIST FOR CUP 2016-008

			DATED
Hearing Examiner Application Exhibit List			
HER 1	HER 1.1	Conditional Use Permit Application with site maps	October 27, 2016
	HER 1.2		
Hearings Examiner Staff Memo Exhibit List - November 21, 2016			
HEM 1 Includes:	HEM 1.1	Staff Memo	November 14, 2016
	HEM 1.2	Site maps	October 28, 2016
	HEM 1.3	Notice of Open Record Hearings	November 8, 2016
	HEM 1.4	Comment from Benton County Fire Marshal	October 31, 2016
	HEM 1.5	Comment from Sunnyside Valley Irrigation District	November 1, 2016
	HEM 1.6	Comment from Benton Franklin Health District	November 1, 2016
Hearings Examiner Staff Hearing Exhibit List - November 21, 2016			
HEH 1 Includes:	HEH 1.1		
	HEH 1.2		
	HEH 1.3		

The Exhibit Numbers are found in the Top Right Hand Corner of each document.

- HER = Hearings Examiner Record Exhibits**
- HEM = Hearings Examiner Memo Exhibits**
- HEH = Exhibits submitted during Hearing**
- HECH = Exhibits submitted during a continued hearing**

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

STAFF REPORT TO HEARINGS EXAMINER

HEM 1.1

MEMO DATE: NOVEMBER 15, 2016
HEARING DATE: NOVEMBER 21, 2015
TO: BENTON COUNTY HEARINGS EXAMINER
FROM: CLARK A. POSEY,
ASSISTANT PLANNING MANAGER
BENTON COUNTY PLANNING DEPARTMENT
RE: CONDITIONAL USE PERMIT – CUP 2016-008
APPLICANT: BALDEMAR SIERRA
1015 SE MONMOUTH CUTOFF RD
DALLAS, OR 97338
OWNER: ROGELIO MAGANA
7702 MOORE RD
PROSSER, WA 99350

I. BACKGROUND INFORMATION

SPECIFIC REQUEST

The applicant is permission to store wildland firefighting equipment in a 529 square foot accessory building. Firefighters would collect and return the equipment as needed when dispatched to a fire during the fire season June through October.

PROJECT CHRONOLOGY

The Conditional Use Permit application (HER 1.1) was originally submitted to the Planning Department on October 27, 2016 and was determined to be complete as of October 28, 2016 at which time a letter of completion was sent to the applicant. The application was sent out for Agency Review on October 31, 2016. The Notice of Open Record Hearing was published on November 9, 2016 in the Tri-City Herald (HEM 1.3) and sent to surrounding property owners on November 8, 2016. The Hearing is scheduled before the Hearings Examiner on November 21, 2016.

SITE DESCRIPTION

The project site is 2.5 acres located in the Rural Lands 5 Zoning District at 7702 Moore Road, Prosser in Section 2, Township 08 North, Range 24 East, W.M. At present, the property is developed as a single family residence. No critical areas have been identified on the site or in the immediate vicinity.

SURROUNDING ZONING & LAND USE

The surrounding land uses include residential single family dwellings on two acres or larger and agricultural activities. The surrounding zoning is Rural Lands 5 Acre and Urban Growth Area Residential.

II. APPLICABLE DEVELOPMENT REGULATIONS AND DECISION CRITERIA

This use is allowed as a business activity within the Rural Lands Five Acre District (RL-5) under

BCC 11.16A.050(u).

Benton County Code Section 11.52.090(a) states: "*Conditional Use/Special Permit General Standards*; The conditional use/special permit application process allows the Hearings Examiner 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 Hearings Examiner to ensure that development in each zoning district protects the integrity of that district. The notice, hearing, decision and enforcement procedures are as set forth herein and in BCC 11.52.089.

Certain uses are classified as conditional uses/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 Hearings Examiner; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in BCC 11.52.070."

Benton County Code Section 11.52.090(d) states: "A conditional use/special permit shall be granted only if the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow the Hearings Examiner 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 Hearings Examiner to make the conclusions required above, the conditional use permit shall be denied.

I. FINDINGS OF FACT

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

1. The applicant is Baldemar Sierra whose address 1015 SE Monmouth Cutoff Rd, Dallas, OR 97338. The property owner is Rogelio Magana whose address is 7702 Moore Rd, Prosser, WA 99350.
2. The subject property is located at 7702 Moore Rd, Prosser, WA 99350 in the Northwest

quarter of the Southwest quarter of Section 2, Township 8 North, Range 24 East, W.M. The subject property's parcel number is 1-0284-301-3072-001.

3. The applicant is seeking a Conditional Use Permit under BCC 11.16A.050(u) which allows a business activity to be conducted from a detached accessory building in the Rural Lands 5 Acre Zoning District. The Conditional Use Permit would allow the applicant to store wildland firefighting equipment in a 529 square foot accessory building which firefighters would collect and return as needed.
4. The subject property is zoned Rural Lands 5. The proposed use is consistent with the Rural Lands 5 designation within the Benton County Code 11.16A.
5. No critical areas have been identified on the site or in the immediate vicinity.
6. The application for CUP 2016-008 was submitted to Benton County on October 27, 2016 with a complete letter sent on October 28, 2016.
7. The notice for the Benton County Hearings Examiner Open Record Hearing for application CUP 2016-008 was published on November 9, 2016 in the Tri-City Herald and mailed to surrounding property owners on November 8, 2016. The Open Record Hearing is scheduled for November 21, 2016.
8. The Benton County Fire Marshal did not have any comments on this project permit application. (HEM 1.4)
9. Sunnyside Valley Irrigation District commented that it does not have any facilities within the parcel for development. (HEM 1.5)
10. Benton Franklin Health District comments that the residence on the property is served by a single family well and it appears that the proposed office building would not encumber the existing on-site septic system. (HEM 1.6)

V. SUGGESTED CONDITIONS OF APPROVAL

If the Hearings Examiner decides to approve Conditional Use Permit – CUP 2016-008 then the following are suggested conditions recommended by the Planning Department:

1. Any conditions imposed by the Hearings Examiner shall be completed prior to the Planning Department issuing the conditional use permit. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the conditional use permit until those conditions have been met. The business activity cannot be conducted on site until the Conditional Use Permit is issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the conditional use permit within one (1) year from the time the Hearings Examiner conditionally approved the conditional use permit, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner 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 Hearings Examiner meeting.
3. That the applicant obtains the appropriate building permits. The applicant must submit written documentation that all the required permits and approvals have been obtained from the Benton County Building Office. The applicant shall meet this requirement for any additional buildings that may be constructed on site while Conditional Use Permit -

CUP 2016-008 is in effect.

4. That the applicant complies with all Benton Franklin Health District requirements while Conditional Use Permit - CUP 2016-008 is in effect and provide proof of such compliance to the Planning Department.
5. That no 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 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. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-008 is in effect.
6. 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 Hearings Examiner shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit - CUP 2016-008 is in effect.
7. That any waste created as a result of this Conditional Use Permit must be disposed of off-site in compliance with all local, state and/or federal regulations in a timely manner.
8. Additional conditions may be altered, added or deleted by the Hearings Examiner when making a decision on this permit after the public hearing.

OCT 25 2016

BENTON COUNTY
BUILDING DEPT.

OCT 27 2016

**BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION
FILE NO. CUP 2016-008**

Benton County

Planning Department

1. Applicant Name BALDENAR SIERRA
Applicant Address: 1015 SE MONMOUTH AVENUE WY DALHOUSIE 97338

Telephone number: Home (559) 310-7122 Work (559) 305-6063

2. Legal owners name: Rogelio Magaña **HER 1.1**
Legal Owners address: _____

Telephone number: Home (509) 515-8114 Work _____

If you wish to be contacted by email please list your email address:

3. Parcel Number or Legal description of property for which permit is for: 1-0284-301-3072-001
7702 MOORE RD PRUSSER WA 99350

4. If you are amending a previous conditional use/special use permit please list the file number(s):

5. The Conditional Use Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.** DISPATCH LOCATION FOR A 20 PERSON WILDLAND FIRE CREW. TO SERVE AS A ASSEMBLY PLACE IN APPROXIMATELY ONE HOUR. AVERAGE OF 4 CALLS EVERY FIRE SEASON.

6. The property will be served by:
WATER: Well Private System _____ City System _____
SEWER: Septic Tank City Sewer _____
POWER: PUD _____ REA _____
PHONE: Yes No _____ Name of Utility _____
GAS: Yes _____ No Name of Utility _____
CABLE: Yes _____ No Name of Utility _____
IRRIGATION: Yes _____ No Name of Utility _____
PRIVATE IRR. Yes _____ No

7. Total acres of property: _____ Zoning Classification of Property: _____
Comprehensive Plan Designation _____

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: ONE RESIDENCE, ONE OFFICE, ONE GARAGE (SHEED) ONE SEPTIC SYSTEM, ONE WELL.

9. Describe existing structures and present land uses in the surrounding area of your property:
THERE IS ALPACA FIELDS, RESIDENCE

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- a. Is there a residence on site? Yes No
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes No
- c. Does at least one of the proprietors live in said residence? Yes No
- d. List the number of non-resident employees. 20
- e. What is the **total** square footage of the detached building to be used for the business? 529 SQUARE FOOT
- f. What is the **total** square footage that will be used for the business activity? 3000 Square foot
- g. Is only one detached building to be used for the business activity? Yes No
- h. Are any signs going to be used with the business activity? Yes No
If yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. 1 Sign 6' height and size 36"x24"
- i. State the number of vehicles marked to identify the business to be stored on site. 4 VEHICLES
- j. List the number of off street parking spots 10
- k. What County Road does the site access off of? MOORE RD
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week FROM JULY TO SEPTEMBER
Hours of Operation ONE TIME EVERY 15 DAYS FOR ONE HOUR

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

Signature Block for individuals only.

I certify that the information given above is true and complete.

Baldemar Sierra
Applicant's Signature

BALDEMAR SIERRA
Print Name

10/24/16
Date

Rogelio Magaña
Signature of Legal Owners

Rogelio MAGAÑA
Print Name

10-24-16
Date

Signature of Person with additional ownership interest

Print Name

Date

If the applicant or legal owner is a corporation/partnership/LLC etc. please use the following signature block. Please copy this page if there is more than one corporation/partnership/LLC signature required.

Applicant or Legal Owner: _____

By: _____
(print name) (Title)

Signature: _____
(Signature) (Title)

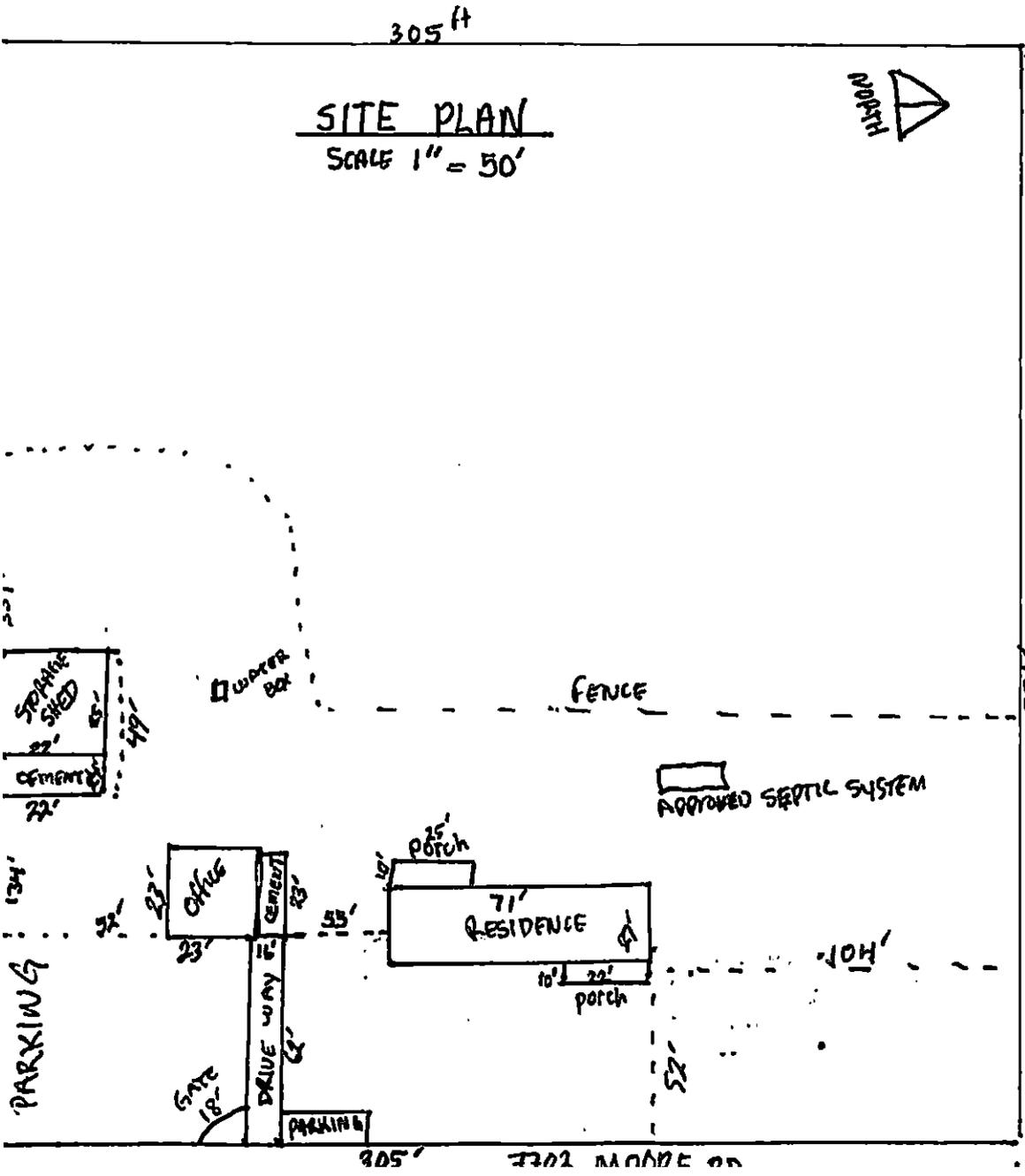
The above signed officer of _____ (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit _____ to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)

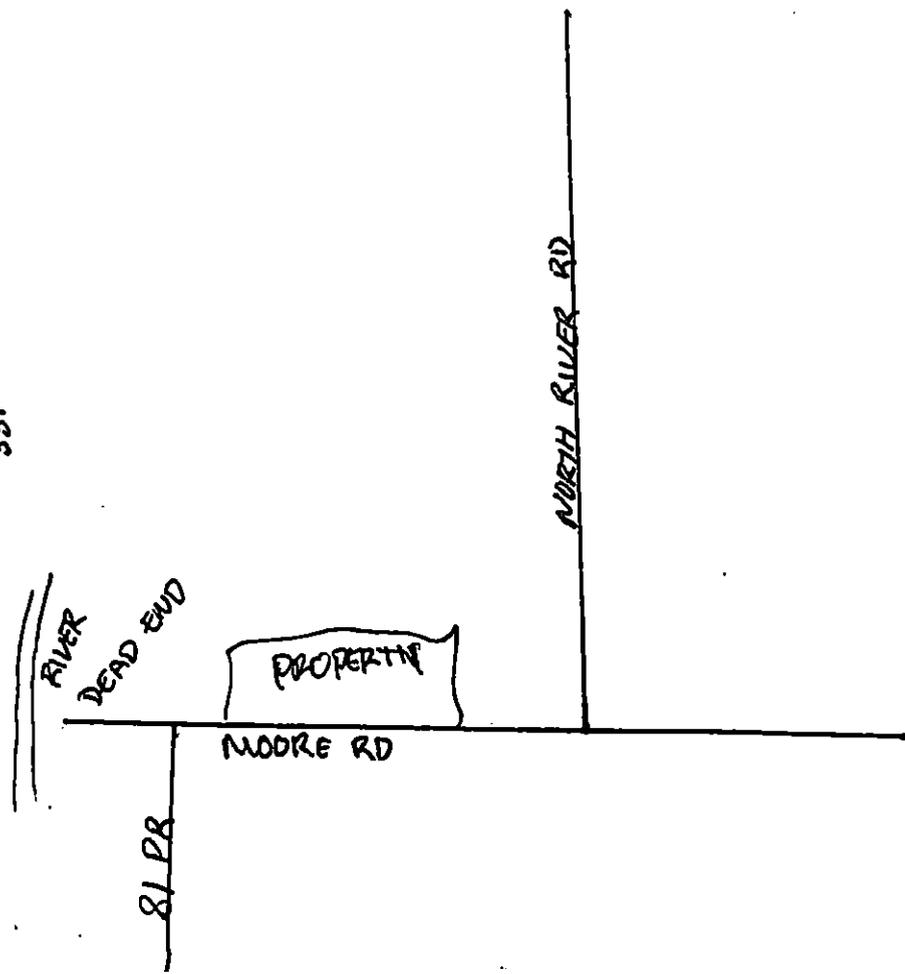
Note: The Conditional Use/Special Permit Application fee of \$630.00 and the \$300.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

FOR OFFICIAL USE ONLY:
Critical Area Review Completed by: _____ on _____
Application approved for processing by _____ on _____
Zoning _____ Comp Plan Designation _____

SITE PLAN
SCALE 1" = 50'



VICINITY MAP





North River Rd

North River Rd

HEM 1.2

Moore Rd

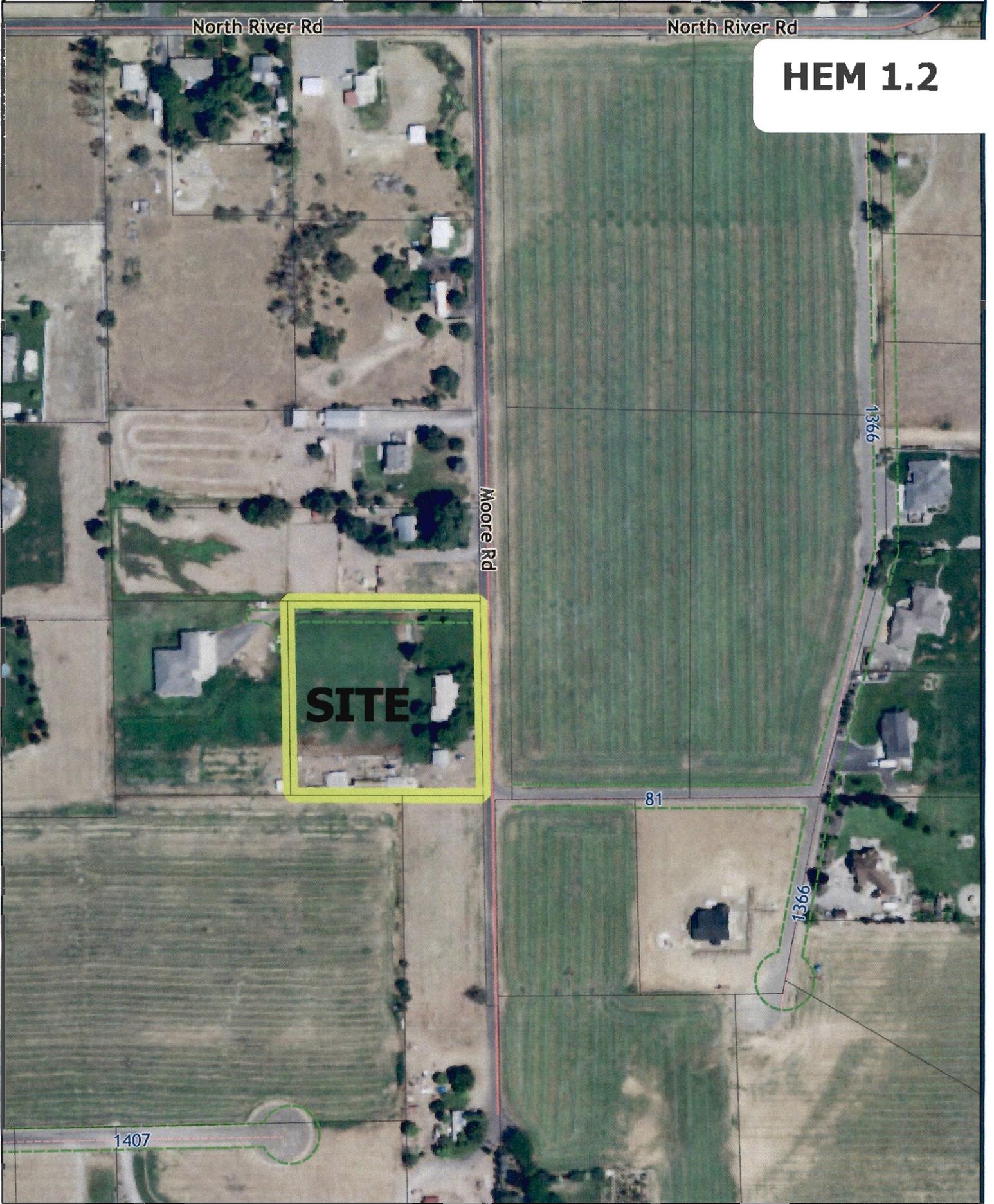
SITE

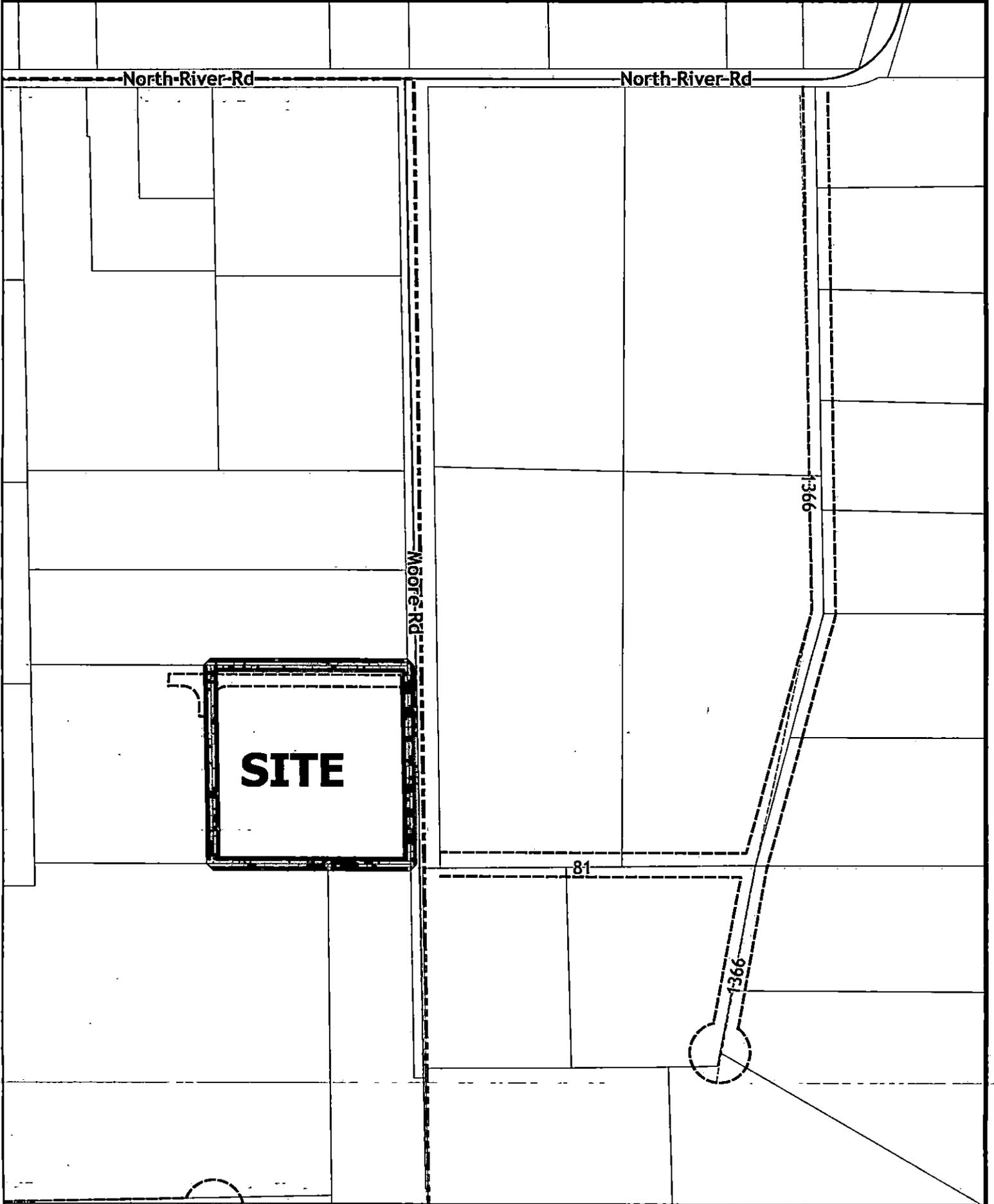
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1407





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

HEM 1.3

NOTICE OF OPEN RECORD HEARING

NOTICE IS HEREBY GIVEN that the following application has been proposed to the Benton County Hearings Examiner, Benton County, Washington.

CUP 2016-008 - The applicant is requesting permission to use an existing 529 square foot detached building to store wildland fire equipment. Fire fighters would be on site for approximately one hour every 15 days during the fire season which usually begins in June and ends in October. The site is located at 7702 Moore Street Prosser, WA in Section 02, Township 11 North, Range 24, W.M. on Lot 1 of Short Plat 3072. Applicant: Baldemar Sierra

NOTICE IS GIVEN that said application will be considered by the Benton County Hearings Examiner at public hearings on Monday, November 21, 2016 at 10:00 a.m. in the Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA 99350. All concerned persons may appear and present any support for or objections to the applications or provide written testimony to the Hearings Examiner in care of the Planning Department prior to the hearings. More information concerning this application can be obtained by contacting the Benton County Planning Department, 1002 Dudley Avenue, P.O. Box 910, Prosser, WA 99350, (509) 736-3086 or (509) 786-5612. Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department by 8:30 a.m. the morning of the hearing to confirm that the hearing will be conducted as scheduled.

It is Benton County's policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities or be subjected to discrimination. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please download and submit the Accommodation Request Form 48 hours prior to the date of the meeting. The form is located on the Benton County website which is www.co.benton.wa.us under the Personnel Department or contact the Benton County Planning Department at the numbers noted above for assistance.

Dated this 8th day of November, 2016

SUSAN E. DRUMMOND
Benton County Hearings Examiner

CLARK A. POSEY, Assistant Planning Manager
Benton County Planning Department



PUBLISH: November 9, 2016

**Benton County Fire Marshal's
Review of Proposed Planning Applications**

TO: BC Planning Department

HEM 1.4

CUP 16-08

Date Received 10-31-16 Date Returned 10-31-16

Comments: Baldemar, Sierra. 1015 SE Monmouth Cutoff Rd. Dallas Or, 97338 proposes to store wildland fire equipment in a 529 sq.ft building at 7702 Moore Rd. Approximately, four times during the wildland fire season twenty firefighters will meet here to pick up gear and be dispatched to the fire.

Fire Marshal's Comments:

No requirements for the storage items are not hazardous.



HEM 1.5

November 1, 2016

Benton County Planning Department
P.O. Box 910
Prosser, WA 99350

Re: File No. **CUP 2016-008**
Parcel: **1-0284-301-3072-001**
Applicant: **Baldemar Sierra**

To whom it may concern:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID does not have any facilities within the parcel for development.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Diane Weber at (509) 837-6980 or weberd@svid.org.

Sincerely,

Ron C. Cowin, P.E.
Assistant Manager – Engineering
Sunnyside Valley Irrigation District

8
April Brown

From: Shawn Brown <shawnb@bfhd.wa.gov>
Sent: Tuesday, November 01, 2016 11:37 AM
To: Planning Department
Subject: RE: Agency review - CUP 2016-008 (Sierra)

HEM 1.6

Good Morning:

After reviewing our database it has been determined that the residence on this property is served by a single family well and an on-site septic system installed in April of 1977, and approved for a maximum of three bedrooms. After viewing the site plan that was submitted by the applicant, it appears that the proposed "Office Building" would not encumber the existing on-site septic system. If the applicant is proposing to have plumbing in the building and to connect it to the existing septic system serving the residence, then the building may contain a toilet and a hand-sink. It cannot contain a shower or living space if the intention is to connect it to the septic system serving the existing residence. Thank you.



Shawn Brown RS
Environmental Health Specialist II
Benton-Franklin Health District
7102 W. Okanogan Place,
Kennewick, WA 99336
p: 509.460.4320
www.bfhd.wa.gov ShawnB@bfhd.wa.gov
Follow us on  

From: Rick Dawson
Sent: Monday, October 31, 2016 11:46 AM
To: Shawn Brown
Subject: FW: Agency review - CUP 2016-008 (Sierra)



James R. (Rick) Dawson
Supervisor
Land Use, Sewage and Water Section
Benton-Franklin Health District
7102 W. Okanogan Place,
Kennewick, WA 99336
p: 509.460.4313
www.bfhd.wa.gov rickd@bfhd.wa.gov
Follow us on  

From: Planning Department [<mailto:Planning.Department@co.benton.wa.us>]
Sent: Monday, October 31, 2016 9:30 AM
To: Jeff Liner; Rick Dawson; Fire District #3 Doug Merritt; Dale Wilson; Ken Williams; Michelle Johnson; Rod Worthington; Steve Brown; Tomi Chalk; Troy Taylor; Sunnyside Valley Irrigation Dist. - Diane Weber; Sunnyside Valley

Irrigation Dist. - Ron Cowin; Benton PUD - Chad Brooks; Benton PUD - Roxanne Weller ; Benton PUD Bob Roe; Benton PUD Dave Smith; Benton PUD Jeff Vosahlo; Benton PUD Rick Sunford; Benton PUD-Mike Irving

Subject: Agency review - CUP 2016-008 (Sierra)

Attached is a copy of a Conditional Use Permit application with attachments and maps. The applicant is requesting permission to use the location to store wildland fire equipment on site in a 529 square foot building. Fire fighters would be onsite for approximately one hour every 15 days during the fire season which usually begins in June and ends in October.

The site is located at 7702 Moore Road, Prosser in Section 2, Township 08 North, Range 24 East, W.M.

Applicant: Baldemar Sierra

PLEASE SUBMIT YOUR COMMENTS WITHIN SEVEN DAYS OF THE ABOVE DATE TO planning.department@co.benton.wa.us.

If you have any questions, you may contact the Planning Department at the above email or (509)786-5612.

Benton County Planning Department

PO Box 910

Prosser WA 99350

509-786-5612 or 509-736-3086

Fax: 509-786-5629

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