

**BENTON COUNTY BOARD OF ADJUSTMENT  
REGULAR HEARING – MARCH 7, 2013 - 7 P.M.  
PLANNING ANNEX – 1002 DUDLEY AVENUE  
PROSSER, WA 99350**

**THESE MINUTES ARE A SUMMARY OF THE BOARD OF ADJUSTMENT HEARING AND NOT A VERBATIM TRANSCRIPT**

**CALL TO ORDER**

**PRESENT:** Bob Page  
Aimee Bergeson  
Dean Burows – Vice-Chairman

**ABSENT:** Brent Chigbrow

**STAFF PRESENT:** Clark A. Posey, Senior Planner  
Carel Hiatt, Recorder

The public hearing was opened. Clark Posey, Planning Staff, read to the Board ex parte issue questions and those wishing to testify during the meeting were sworn in

**APPROVAL OF MINUTES**

**MOTION:** It was moved by Bob Page and seconded by Aimee Bergeson that the Board of Adjustment minutes from February 7, 2013 be approved as written and that the Vice-Chairman Dean Burows sign the minutes on behalf of the Chairman. Motion carried.

**RECORDED VOTE:**

**FAVOR:** Bob Page, Aimee Bergeson, Dean Burows  
**AGAINST:** None  
**ABSENT:** Brent Chigbrow  
**ABSTAIN:** None

**CONSENT AGENDA ITEMS: NONE**

**NEW BUSINESS:**

**CONDITIONAL USE PERMIT – CUP 13-03** – The applicant is requesting a conditional use permit for a business use activity for the operation of a granite/tile/carpet business. The application was deemed complete for processing on January 30, 2013. The site is located at 226007 E SR 397 – Kennewick, WA 99337 – Block 20, Lots 13, 14, 15, and 16 in Section 26, Township 8 North, Range 30 East, W.M. Applicant: Jesus Gonzalez – 4510 Yuma Drive – Pasco, WA 99301.

**SUMMARIZATION:** Clark Posey, Senior Planner summarized said action for the Board that the applicant was requesting a conditional use permit to operate a granite/tile/carpet business. The applicant has been cooperative with satisfying the requirements pertaining to Code Enforcement, Building Department and the Planning Department. The applicant had done a considerable amount of clean-up work at the site, removed the uninhabitable dwelling and placed a three bedroom manufactured home on site. The Planner entered into the record Exhibit E which outlines all exhibits pertaining to this action.

**APPLICANT TESTIMONY:**

**JESUS GONZALEZ – 226007 E SR 397 – KENNEWICK, WA 99337 – 4510 YUMA DRIVE – PASCO, WA 99301** informed the Board that he had been cooperative with the Code Enforcement Officer, Building and Planning Departments. He had cleaned up the site, removed the old dwelling and placed a newer three bedroom manufactured home on site as required. He rents out the manufactured home.

Mr. Burows asked the applicant if he had read and understood the conditions of approval affixed to his conditional use permit. The applicant replied that he had read the conditions and would abide by all the conditions of approval.

Mr. Page asked the applicant about Condition No. 8 which states: "The applicant must apply for an approach permit for this business with the Benton County Public Works Department. The approach must be built to the Benton County Standard Plan 96-05." The applicant replied that he was aware of that condition and would be contacting the Public Works Department.

**PROPONENT/OPPONENT TESTIMONY OR APPLICANT REBUTTAL: NONE**

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

**BOARD DISCUSSION:**

Mr. Page recommended to the Board that they waive Condition No. 1 as the applicant in good faith had exceeded what was expected of him and was now in compliance, so he should be allowed to accommodate customers. Condition No. 1 states: "The applicant shall not conduct any of the activities within the scope of Conditional Use Permit – CUP 13-03 until the applicant is in compliance with the following conditions. 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 Conditional Use Permit shall not become effective until issued by the Planning Department." Condition No. 1 would be waived for six weeks, which should give the applicant ample time to work with the Public Works Department in completing the approach to this site as required under Condition No. 8. The site will be reviewed in six weeks for compliance.

Mr. Burows asked the Planner if the applicant was operating his business from this site currently. Mr. Posey replied that the applicant was not.

**MOTION:** Bob Page made a motion which was seconded by Aimee Bergeson that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Jesus Gonzalez should be **approved with conditions as noted in the February 22, 2013 Staff Memo with the waiving of Condition No. 1 for six weeks – which would allow the applicant approval to operate his business from this site; provided the applicant completes Condition No. 8 – paving the approach as required by the Public Works Department within the six week timeframe. The Planning Department will review the application at the end of the six week period for compliance.** The Vice-Chairman in conjunction with the Secretary of the Board of Adjustment, prepare and adopt written findings and conclusions that articulate and are consistent with the findings, conclusions and/or decisions made by the Board of Adjustment tonight. Motion carried.

**RECORDED VOTE:**

**FAVOR:** Bob Page, Aimee Bergeson, Dean Burows  
**AGAINST:** None  
**ABSENT:** Brent Chigbrow  
**ABSTAIN:** None

The Vice-Chairman opened the public portion of the hearing. The Planner summarized said application and entered into the record all exhibits noted in Exhibit No. E along with the following exhibits that were presented to the Board at the hearing: BOAH1.1: Letter from the applicant dated February 26, 2013 with attached letter from Routh Consulting Engineers, Inc. dated February 25, 2013. BOAH1.2: Email from Rick Dawson – Benton Franklin Health Department dated February 28, 2013 BOAH1.3: Email from Ted/Michele Otto dated March 6, 2013 BOAH1.4: Letter from the applicants dated March 7, 2013 with accompanying documentation. The Planner added that this was a Code Enforcement action.

Mr. Burows addressed the Health Dept. concerns to the Clark Posey, Planner.

**CONDITIONAL USE PERMIT – CUP 13-02** - The applicants are requesting a conditional use permit for the operation of an event center. The application was deemed complete for processing January 25, 2013. The site is located at 24409 N Case Road – Prosser in the South Half of the South Half of the Northeast Quarter and a portion of the East Half of the Northeast Quarter all in Section 22, Township 9 North, Range 25 East, W.M. Applicants: Clifton R/Clifton V./Shirley Steelman – 4400 S 47<sup>th</sup> – Ste 201 – West Richland, WA 99353/P O Box 457 – Prosser, WA 99350.

**APPLICANT TESTIMONY:**

**CLIFTON R. STEELMAN – 4400 S 47<sup>TH</sup> AVENUE – WEST RICHLAND, WA 99352 – SPOKESPERSON FOR CLIFTON V AND SHIRLEY STEELMAN.** The applicants had owned the property for about 20 years. During that 20 year period the site had been rented out for private parties. Twenty years ago they had checked with the state and the county and there were no specific requirements. They still could not find any specific requirements for an event center to date. If they are indeed out of compliance then they were present tonight to remedy the situation. They have addressed the well issue and everything was normal for bacterial counts and ICO reports check out as being normal. The only things they have left to do would be the four hour pump test and outfit it with a flow meter. They are working with Routh Engineering on the well as well as the sewage system – the onsite sewage system. He addressed the letter in the Board's packet from Routh Engineering – Exhibit No. BOAH 1.1 and BOAH 1.4. Basically, they are working closely with that. He outlined the site on the large aerial provided – BOAM 1.13.

Mr. Burows asked if this proposal was functioning as an event center and would it be a change of venue for your business.

Mr. Steelman replied no.

Mr. Burows: Same as it has been for all the years.

Mr. Steelman: Yes, we were frankly shocked as it came to them as a citation that we were running a bed and breakfast and a reception facility – something like this. We rent it to private individuals. It has never been a bed and breakfast and never intends to be. If a person wanted to rent the facility we would ask for what purpose. The facility would be rented for 48 hours for such an event as a wedding, which would give the renter time for decorating, event and clean-up.

Mr. Burows: This venue would be for more corporate retreat or event.

Mr. Steelman: Correct, they always deal with an individual. They do not partake in the event or function. They simply rent the facility for 48 hours. Nobody stays at the site. No overnight accommodations. Like the Planner stated in his summarization there was an old yellow house and a cabin on site since 1950.

Clark Posey – Planner: Code Enforcement informed the Planning Department about the event center. The Planning Department looked at the site with the applicants. The applicants were unaware that additional permits would be required. Septic system was only approved for a two bedroom facility which would not accommodate event functions. The applicants would need to upgrade the septic system. The applicants have not objected to anything the Planning Department has required of them.

Mr. Page: The current septic system would it be adequate for 200 people.

Mr. Steelman: The current system would only handle 48 people according to Routh Engineering.

Mr. Page: The well would it accommodate 200 people.

Mr. Steelman: The original well log for the site was pumping 20 gallons per minute. He stated that a pump down was required for four hours at 20 gallons per minute. We feel that the well will accommodate the 200 people, but the pump down still needs to be completed.

Mr. Page: Filing for a Class B water system would be required, correct.

Mr. Steelman: Correct. He was not concerned about the well. If the well needs to be redone then they will punch it and do what needs to be done. He stated that when the facility was rented on a Friday, there would only be 3-5 people present and when they take it back on Sunday there was only 3-5 people present. He does not know how many people are there for the event, but if the facility was rented for a wedding then people would only be at the site for a short period of time. Mr. Routh – Engineer – stated that even if there would be 300 to 400 people the system would handle it for the weekend interval and that was why the septic system continued to function and continues to do so with no issue. He mentioned a receipt from Cliff's Septic System from 9/19/2011 where they came in checked the system and pumped the tank for us. The Health Dept. recommends pumping the tank every three to five years. Mr. Routh stated that was why the septic system worked due to it being pumped. He was prepared and completely willing to upgrade the system. It would need to be a pumped system to increase the capacity. They would like to continue to conduct events at the site thereby not disrupting their revenue stream. The property currently poses no health risks to the public. Class B well could be done within 45 days.

Mr. Page: What would be your approximate installation time for an engineered system?

Mr. Steelman: The Health Department stated that perk tests would need to be conducted and this would be done thru the irrigation season; so perhaps a year. The existing system would be monitored until a new system was installed. If the Health Department okay's the installation of a new system now, then they would proceed with the installation.

Mr. Page. Does anyone reside on site?

Mr. Steelman: No, nobody lives at this site.

Mr. Page: Perk tests would be beginning when?

Mr. Steelman: The water report was completed today with good results. The application would be submitted to the Health Dept. for evaluation of the existing system, then they would need to witness the perks; so anytime.

Mr. Page: Approximately, how many events do you have per year.

Mr. Steelman: Twenty-two events were held at this site last year.

Mr. Page: Do you have any events scheduled for this year?

Mr. Steelman: Nineteen.

Mr. Page: How close together are these scheduled events?

Mr. Steelman: About a week apart.

Mr. Burows: How large are these events?

Mr. Steelman: Not certain.

Mr. Burows: Is the area in a wetland?

Mr. Steelman: No, basalt. The applicant outlined on the aerial the closets residence, which was about ½ mile.

Mr. Burows: The Board of Adjustment does not have any rights to remove, bend or waive any of the Benton Franklin Health Department's rules or regulations. Perhaps, the utilization of portable toilets would be an option until the new system was installed and operational.

Mr. Steelman: Utilization of portable toilets would be acceptable for events.

Mr. Burows: The conditions of approval affixed to this application have been read and understood – this was addressed to the applicant.

Mr. Steelman: The conditions of approval had been read and were acceptable.

**PROPONENT TESTIMONY:**

**CLIFTON V. STEELMAN – P O BOX 1457 – PROSSER, WA 99350**, stated that everything was catered – no commercial kitchen on site. The conditions would be completed as quickly as possible.

Mr. Page: Alcohol on site.

Mr. Steelman: A banquet license would need to be provided for by the customer as the applicants do not provide any alcohol. In addition, there was always a standing invitation to the Benton County Sheriff if there ever became a need to intervene.

**OPPONENT TESTIMONY – NONE – APPLICANT REBUTTAL – NONE**

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

**BOARD DISCUSSION:**

Mr. Page: The applicants need to proceed in getting the perk tests done by the Benton Franklin Health District along with rapid movement on the installation of the pressure system.

Ms. Bergeson: Concern over Health Department requirements being satisfied.

Mr. Burows: The Board does not have the authority to bend the Health Department rules or regulations. The only rule the Board would typically be bending would be that the Board rarely has ever allowed anybody to conduct activities without meeting all the conditions. In this case if the Board were going to do that it would have to be conditioned that the applicants do not exceed the current approved capacities by the Health Department. It is 48 people for water and sewer, if they can prove that the activities to the best of their knowledge do not exceed that amount; otherwise the Board would need to prohibit any activities to be conducted on site.

Mr. Page Knowing how long it takes to install a pressurized system.

Mr. Burows: That could be six months in this county.

Mr. Page: Perhaps in a month or 6 weeks. The applicants are requesting 200 people which exceed the capacity of the current septic system. The applicants already have 19 events schedule for 2013.

Mr. Burows: The Board has conditioned event centers before to be able to obtain a permit to utilize portable sanitation for a temporary period of time.

Mr. Posey: The applicants have not requested 200, but the Benton County Code allows for 200 people at an event.

Mr. Burows: The current system was for 48 and anything over that amount would have to be additional capacity, which was also stated in the Engineer's documentation. Did the applicants submit a dust control plan?

Mr. Posey: The road was graveled and maintained by the applicant.

**MOTION:** Mr. Page made a motion which was seconded by Ms Bergeson that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Clifton R/Clifton V and Shirley Steelman – CUP 13-02 should be **approved with conditions as noted in the February 22, 2013 Staff Memo with an added Condition No. 15** “If the applicant is knowledgeable that the participation at an event was over 48 people then additional service facilities would need to be provided for the event until such time as the sewer system has been updated. The period of time would be for one year only.” The Vice-Chairman, in conjunction with the Secretary of the Board of Adjustment, prepare and adopt written findings and conclusions that articulate and are consistent with the findings, conclusions and/or decisions made by the Board of Adjustment tonight. Motion carried.

**RECORDED VOTE:**

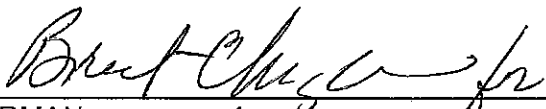
**FAVOR:** Bob Page, Aimee Bergeson, Dean Burows  
**AGAINST:** None  
**ABSENT:** Brent Chigbrow  
**ABSTAIN:** None


**PLANNING DEPARTMENT REPORTS AND DISCUSSION: NONE**

- 1. SP 10-20 – David/Charlotte Schlotfeldt RV Park - appeal of the 180 day stay
- 2. Board of Adjustment Hearing date of July 4, 2013 moved to July 11, 2013.

**MOTION:** It was moved and seconded that the regularly scheduled Board of Adjustment Hearing date of July 4, 2013 be moved to July 11, 2013. Motion carried.

The Chairman adjourned the Board of Adjustment Hearing at 8:00 p.m.

  
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DEAN BUROWS – VICE-CHAIRMAN  
Benton County Board of Adjustment

Date Signed  


Recorder: Carel Hiatt