

**BENTON COUNTY BOARD OF ADJUSTMENT
REGULAR HEARING – JULY 11, 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: Dean Burows
Aimee Bergeson
Brent Chigbrow
Bob Page

ABSENT: None

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

APPROVAL OF MINUTES:

MOTION: It was moved by Dean Burows and seconded by Aimee Bergeson to approve the minutes of the May 9, 2013 Board of Adjustment Hearing with Mr. Page abstaining as he was not present at this hearing. Motion carried.

Clark Posey, Planning Staff, read to the Board ex parte questions for all actions and those wishing to testify during the hearing on actions presented to the Board of Adjustment tonight were sworn in. Members stated that they had no ex parte communication with regards to any of the actions being presented to the Board tonight.

The Chairman opened the public portion of the Board of Adjustment on the following action:

NEW BUSINESS:

CONDITIONAL USE PERMIT – CUP 13-04 – THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF CONSTRUCTION EQUIPMENT TO REMOVE GRAVEL AND BASE ROCK FROM THE OLD RAILROAD RIGHT-OF-WAY, CRUSH, LOAD AND REMOVE GRAVEL FOR SALE OFF-SITE. LOCATION: RAILROAD RIGHT-OF-WAY IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 25 EAST, W.M.

PLANNER’S SUMMARY: The Planner summarized said action to the Board and entered into the record the following exhibits: BOAM 1.1 to BOAM 1.16, BOAR 1.1 to BOAR 1.13. The Planner also outlined the proposal on the aerial – Exhibit BOAM 1.16.

APPLICANT TESTIMONY:

CONRAD RUSSELL – 100202 W HESS ROAD – PROSSER, WA 99350 – stated that he and his wife bought the strip of land a couple of years ago. He farms and also has an excavating business. He would like to come in with some heavy equipment, sort out all the oversized gravel, rock and sift out any farmable soil. The oversized rock would then be crushed.

Mr. Chigbrow stated seeing that this property was a railroad grade then the size would usually be between 1½" to 1¼" size aggregates.

The applicant replied that there is a top course of railroad ballast which is approximately a foot to 2 foot thick, which was located only on about ½ of the length of the ground. Everything underneath that is base rock and soil.

Mr. Chigbrow asked about the amount of material the applicant was anticipating excavating from this 1 ½ mile strip of railroad property. The applicant replied that it would vary depending on the location.

Mr. Chigbrow asked about the duration of the project. The applicant replied approximately one to two years.

Mr. Chigbrow asked if the applicant farmed close to the railroad site. The applicant replied that he lived about 1 ½ miles from the site.

The applicant felt that by removing the rock and then farming the site it would be safer for the surrounding property owners and not so unsightly.

Mr. Burows asked the applicant if he would be doing front end loader crushing type of work.

The applicant responded that he might have a scraper on site. The screen machine was portable as was the crusher. He pointed out on the aerial the location of the equipment and stock piles. He would like to minimize the noise of this excavating business to accommodate the surrounding property owners.

Mr. Burows asked about a dust control plan. The applicant replied that he would have a water truck on site for dust suppression

Mr. Chigbrow asked if track machines would be used for the crusher or a stationery type of crusher. The applicant replied that the type of crusher would be based on finances.

Ms. Bergeson asked the applicant to explain the working hours of this operation, such as would work be done during the weekends, daylight or evening hours.

Mr. Conrad replied that he would not be working weekends or after hours. He would crush, stockpile, sell the product then advance to the next area and do the same. Excavating would begin at the west end of the site.

Mr. Burows expressed concern over machinery noise, dust control and duration of the project.

Mr. Conrad replied that the main goal would be to excavate the site and make it farmable as soon as possible. He discussed with the Board the size of his equipment in relationship to the crown width being only 10 to 15 feet wide. He would not jeopardize the canal. He does not own any property around this site, but being an excavator was interested in the rock; but would farm the site upon completion of the excavating of the rock. He continued to state that the neighbors are in support of this proposal as the area was currently unsightly.

Mr. Chigbrow summarized the Sunnyside Valley Irrigation District comments.

Mr. Page asked the applicant to approximate a completion date with regards to this operation. The applicant replied two years at the most.

Mr. Burows again reiterated his concern over the need for a dust control package. The applicant replied that he did have a water truck, crusher had dust control and sprinklers were on his machinery.

The Planner informed the Board that Benton Clean Air would approve the crusher.

The applicant stated that he would like to screen first and anything oversized would be stockpiled, bring in the crusher, crush once and then be done. He submitted in two letters of support one from Claudette Lewis dated June 4, 2013 and one from Chet/Kirsten Beaman dated June 4, 2013.

PROPONENT TESTIMONY: NONE.

OPPONENT TESTIMONY: NONE

APPLICANT REBUTTAL: NONE

The Chairman closed the public portion of the hearing.

Mr. Burows stated that he would like to condition the application to allow for crushing, and excavating of the rock to be done during the daylight hours Monday – Friday only no weekends and that the project was to be completed within a 24 month timeframe. In addition, the removal of the rock would be done mechanically only with no blasting permitted.

MOTION: Mr. Burows made a motion of which Mr. Page seconded that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Conrad Russell CUP 13-04 should be approved with conditions as noted in the staff memo dated May 22, 2013 with the following conditions to be added: **12. Excavating, crushing on this site would be Monday to Friday no**

weekends or after hours work would be permitted. 13. The project would need to be completed within a 24 month period. 14. The excavating of the rock from this site would be permitted to be done mechanically only; no blasting would be allowed and that the 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. Record of vote: Brent Chigbrow, Aimee Bergeson, Bob Page, Dean Burows – all voted in favor of approving this action.

CONDITIONAL USE PERMIT – CUP 13-06: The applicant is requesting a conditional use permit for the operation of a firearms, manufacturing sales and repair business. The application was submitted on May 20, 2013 with the complete letter dated June 3, 2013. The site is located at 104806 E 1035 PR, SE Kennewick in Section 14, Township 8 North, Range 28 East, W.M. Applicant: Michael Hubbard.

THE CHAIRMAN OPENED THE PUBLIC PORTION OF THE HEARING FOR THE FOLLOWING ACTION.

PLANNER’S SUMMARY: The Planner summarized said action to the Board and entered into the record the following exhibits: BOAM 1.1 to BOAM 1.10, BOAR 1.1 to BOAR 1.2. The Planner also outlined the proposal on the aerial – Exhibit BOAM 1.10.

APPLICANT TESTIMONY:

MICHAEL HUBBARD – 104806 E PR SE KENNEWICK, WA stated that he wanted a conditional use permit for the operation of a firearms manufacturing, sales and repair business. He was working with ATF and would not be able to proceed with them until after the Board of Adjustment’s decision.

Mr. Chigbrow asked the applicant to explain exactly what he meant by the term “manufacturing guns”. The applicant stated he would be altering the guns, such as changing the trigger operations, remodeling old style guns and making them more user friendly.

Mr. Page asked the applicant if he made gun barrels. The applicant replied that he did not.

Mr. Burows asked the applicant about security measures for himself and neighbors. The applicant replied that he had a gun safe that was bolted to the floor and would also be installing bars on the windows of the gun shop. He continued to state that he had been tinkering with guns for several years, but now needs to become official as required by law.

Mr. Chigbrow asked if he would have any employees. The applicant replied he only had a business partner who was in sales.

Mr. Chigbrow asked if the Board approved this action what would be the timeframe for approval from ATF. The applicant replied about 60 to 90 days.

The applicant then informed the Board that he was in agreement with the conditions of approval affixed to this conditional use permit. He had discussed the paving of the approach with Benton County Public Works Department and was in the process of obtaining bids. He had talked to the Building Department pertaining to the need for a special inspection.

Mr. Page asked about customers coming to the site. The applicant replied that he may have a few customers to drop off guns for repair, but did not anticipate a lot of traffic to the site.

INTERESTED PARTY:

DOUGLAS BLYE 33310 E RED MOUNTAIN ROAD – BENTON CITY, WA 99320 was interested in whether the applicant would be manufacturing/reloading guns.

Mr. Chigbrow replied that the applicant would just be repairing guns; no manufacturing.

Mr. Blye replied that makes it pretty safe if just repairing guns; not manufacturing.

PROPONENT TESTIMONY: NONE.

OPPONENT TESTIMONY: NONE.

APPLICANT REBUTTAL: NONE.

Chairman closed the public portion of the hearing, had Board discussion hearing and completion of the findings of fact.

MOTION: Mr. Page made a motion which was seconded by Mr. Chigbrow that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Michael Hubbard CUP 13-06 should be **approved with conditions as noted in the staff memo dated June 20, 2013** and that the 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. Record of vote: Brent Chigbrow, Aimee Bergeson, Bob Page, Dean Burows – all voted in favor of approving this action.

THE CHAIRMAN OPENED THE PUBLIC PORTION OF THE HEARING FOR THE FOLLOWING ACTION.

VARIANCE REQUEST – VAR 13-04 – The applicant is requesting a three (3) foot variance to BCC 11.16A.080(1) which is a setback of twenty five (25) feet from the from the access easement of a public road right of way for the construction of a 24 foot by 30 foot garage. Location: The site is located at 33310 E Red Mountain Road Benton City on Lot 3 of Short Plat 580 in Section 3, Township 9 North, Range 27 East, W.M. Applicant: Douglas/Frances Blye.

PLANNER'S SUMMARY: The Planner summarized said action to the Board and entered into the record the following exhibits: BOAM 1.1 to BOAM 1.8, BOAR 1.1 to BOAR 1.7. The Planner also outlined the proposal on the aerial – Exhibit BOAM 1.8. The reasoning for requesting the variance was that a portion of the garage encroached into the setback area by three feet, which was noted by the Building Department upon inspection.

APPLICANT TESTIMONY:

DOUGLAS BLYE/FRANCES – 33310 E RED MOUNTAIN ROAD – BENTON CITY, WA 99320 informed the Board that their contractor apparently did not measure the distance correctly prior to the construction of the garage. The garage was already constructed and upon inspection by the Building Department it was noted that a corner of the building encroached into the setback area by three feet; thereby necessitating the need for a variance.

PROPONENT TESTIMONY:

KATHY BLANCHARD – 33212 E RED MOUNTAIN ROAD – BENTON CITY stated that she resided within close proximity of the applicant's residence and voiced no objections to the applicant's requesting a variance for the placement of the garage.

THE CHAIRMAN CLOSED THE PUBLIC PORTION OF THE HEARING

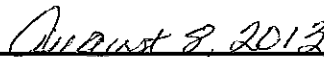
MOTION: Mr. Burows made a motion which was seconded by Mr. Page that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Douglas/Frances Blye VAR 13-04 should be **approved with conditions as noted in the staff memo dated June 20, 2013** and that the 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. Record of vote: Brent Chigbrow, Aimee Bergeson, Bob Page, Dean Burows – all voted in favor of approving this action.

PLANNING DEPARTMENT REPORTS AND DISCUSSION:

Board of Adjustment Rules of Procedure

There being no further business before the Board of Adjustment the meeting was adjourned at 8:00 p.m.


BRENT CHIGBROW, Chairman


Date Signed