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DATE: October 3, 2018

MEETING DATE: October 15, 2018

TO: BENTON COUNTY HEARINGS EXAMINER

FROM: CLARK A. POSEY, ASSISTANT PLANNING MANAGER
BENTON COUNTY PLANNING DEPARTMENT

RE: CONDITIONAL USE PERMIT – CUP 2015-004

APPLICANT: RUSSELL MOURSUND
57315 N. 339 PR NE
BENTON CITY, WA 99320

A handwritten signature in blue ink, appearing to read "Clark", is written over the name "CLARK A. POSEY" in the "FROM:" field.

EXTENSION REQUEST FOR ADDITIONAL TIME TO FINISH PROJECT

This application was approved by the Benton County Hearings Examiner August 12, 2015. To meet the conditions established by Benton County Code, a single-family residence must be located on the same parcel as the business activity. Mr. Moursund has been busy constructing both his house and his accessory building that will be used for his business activity. Attached is a letter that describes the progress to date and an explanation of why he needs this additional one-year extension is needed. Below is a copy of the original findings of fact and the eight (8) original conditions approved by the Benton County Hearings Examiner.

FINDINGS OF FACT

1. The property owners/applicants are Russell and Sonia Moursund. The site is in the west half of section 3 addressed as 57315 N. 339 PR NE off Red Mountain Road in Benton City, WA 99320. Being in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 3, Township 9 North, Range 27 East, W.M. containing 5 acres. Parcel is in the Rural Lands 5 Zoning District.
2. Under BCC 11.16A.050 the applicants are requesting approval of a Conditional Use Permit for the operation of a business activity to be conducted on the above listed parcel: A portion of a 3200-sq. ft. building will be utilized. 1400 sq. ft. will be used for private use by the applicant/owner and 1800 sq. ft. will be used for the business activity. Only 1800 sq. ft. of a building can be used for a business activity.
3. The application for CUP 2015-004 was submitted to Benton County Planning department on May 29, 2015 and deemed a complete application on the same day of May 29, 2015.
4. The notice for the Benton County Hearings Examiner Open Record Hearing for application CUP 2015-004 was published on June 14, 2015 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 July 27, 2015.

5. Conditional Use Permit CUP 2015-004 is categorically exempt from the requirements of the Washington State Environmental Policy Act.

6. The site is currently being prepared for a single-family residence and the accessory outbuilding to house the business activity.

7. The Benton County Comprehensive Plan designates the site and surrounding areas as "Rural Lands 5".

8. The surrounding areas have been developed with residential structures and agricultural uses so the proposed use as shown in the application would not hinder or discourage the development of permitted uses on neighboring properties in the Rural Lands 5 Zone.

9. The Benton-Franklin Health District comments: This office has no objections to the proposal provided no non-resident employees are required for this enterprise. Should non-resident employees be necessary the site must be served by an approved public water system in accordance with WAC 246-291 and an approved on-site sewage system in accordance with the Benton-Franklin Public-Health District.

10. The applicant has requested that the business hours of operation be Monday thru Friday, 10:00 a.m. to 6:00 p.m.

CONDITIONS OF APPROVAL

1. Applicants shall not conduct any of the activities within the scope of Conditional Use Permit CUP 2015-004 until the applicants follow the following conditions. The applicants 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.

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 this approval null and void at a regular Hearing Examiners meeting. Prior to doing so, the applicants shall be notified in writing at the applicants' last known address at least twelve (12) days in advance of the upcoming meeting.

3. For zoning restrictions, all the business activities must be conducted and contained within the 1800 sq. ft. of the accessory building shown on the site plan submitted with the application.

4. No parking within any portion of the county road right of way will be allowed. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2015-004 is in effect.

5. The presence of customers/clients at the business activity shall be limited to Monday thru Friday, 8:00 a.m. to 6:00 p.m. If applicable, delivery vehicles to the business should be limited to the hours of 7:00 a.m. to 7:00 p.m., as after-hours delivery could affect the surrounding residential

community. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2015-004 is in effect.

6. That the property owners/proprietors of the business shall comply with all the requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Public Health District and any or other local, state and federal regulations pertinent to this conditional use permit. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

7. That any waste created in association with the business because of this conditional use permit must be disposed of off-site in a timely manner. The applicants shall continue to meet all such requirements while Conditional Use Permit CUP 2015-004 is in effect.

8. The applicants utilize an access easement established by Private Road (PR) for ingress and egress to their residence. The applicants would also utilize the same access easement for the business activity.

Note: Benton County has no authority to grant an access easement for a business or commercial use that may accesses onto a private road.

Planning Department has no objections and would support the extension. Periodic site visits verify that Mr. Moursund he has been very busy trying to complete his projects and the conditions of approval.

April Brown

From: Russell Moursund <russell.moursund@yahoo.com>
Sent: Monday, July 23, 2018 7:35 AM
To: Planning Department
Cc: Sonia Moursund
Subject: Conditional Use Permit (CUP-2015-004) extension request and status review
Attachments: CUP 2015-004 residence left and accessory bldg right.JPG

To: Benton County Planning Department
Email: planning.department@co.benton.wa.us
Re: Conditional Use Permit (CUP-2015-004) extension request and status review

This letter is to both describe the significant progress to date toward satisfying the conditions of the conditional use permit (CUP 2015-004) and to request a time extension in order to complete the requisite Conditions. We are continuing with construction actions intent on completing the permitted buildings in order to use the property as proposed in the existing permit. The property address under review is:

57315 N 339 PR NE
Benton City, WA 99320

Progress to Date

This progress update builds upon the previous conditional use permit (CUP 2015-004) extension request and status review. We previously described the permitting and plans that were submitted and reviewed by all of the relevant County Departments. We had also submitted plans and photos showing the site excavation, water well drilling, septic installation, foundations, ground plumbing, and initial framing. At that time, progress included only the accessory building which is the intended location of business for which the conditional use permit was made.

The primary difference between this status update and the previous update is that construction of the residence has made substantial progress. Both structures have completed framing, roofing, and siding to the point where they are dried in. Previously we had only the accessory building framed. The residence is required to fulfill the proposed use thus both structures are continuing and are in-progress. Additional construction details and inspected progress are verifiable with the Building Department, other County departments, and most recently even with the county tax assessment office.

See attached photo showing both the residence (left) and the accessory building(right).

Explanation of Delay

In accordance with the approved conditional use permit details, the residence under construction must be completed prior to operation of the business which will be located in the accessory building. Thus in order to meet this requirement the construction process is for both a single family residence and the accessory building combined. Delays in this case have been related to the time needed for

construction and related delays. Progress toward completion has been substantial and continues to be very actively under construction. Both structures together are a large construction project.

Estimated Time of Completion

This is a request for a one-year extension.

Please let us know if additional information would be useful for the Benton County Planning Department in the assessment of this extension request and status review. We would be glad to provide any additional information

Sincerely,

Russell and Sonia Moursund
2375 Carriage Ave
Richland WA 99354
509-392-2531
russell.moursund@yahoo.com

