

EXHIBIT LIST FOR CUP 2023-014 Evergreen Cemetery

Hearings Examiner Staff Memo Exhibit List - November 17, 2023 hearing		
HEM 1.1	Staff Memo	November 7, 2023
HEM 1.2	Vicinity map	October 23, 2023
HEM 1.3	Application	September 18, 2023
HEM 1.4	Site Plan	September 18, 2023
HEM 1.5	Written Determination of Completeness	September 20, 2023
HEM 1.6	Agency review request	September 20, 2023
HEM 1.7	Mitigated Determination of Non-Significance	October 23, 2023
HEM 1.8	Evergreen Business Plan	September 20, 2023
HEM 1.9	Comment from Benton County Public Works	September 21, 2023
HEM 1.10	Comment from Benton Irrigation District	September 27, 2023
HEM 1.11	Comment from Benton County Fire Marshal	November 7, 2023
HEM 1.12	Notice of Open Record Hearings	November 1, 2023
Exhibits Submitted During Hearing or while record remained open		
HEH 1.1		
HEH 1.2		
HEH 1.3		
HEH 1.4		
HEH 1.5		
HEH 1.6		
HEH 1.7		
HEH 1.8		
HEH 1.9		
HEH 1.10		

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division

(509) 786-5612
Planning.department@co.benton.wa.us
102206 E Wiser Parkway, Kennewick, WA 99338

HEM 1.1

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Evergreen Cemetery**

FILE NO: CUP 2023-014

MEMO DATE: November 7, 2023

HEARING DATE: November 17, 2023

OWNER/APPLICANT: Evergreen Cemetery (Kiona Benton Cemetery Association)
PO Box 117, Benton City, WA 99320

LOCATION: General Location: The property is located immediately southwest of the intersection of SR 225 and Corral Creek Road in the Benton City area of unincorporated Benton County.

Address: 7 W Corral Creek Road, Benton City, WA 99320.

Legal: Section 12, Township 09 N, Range 26 E, W.M.

Parcel Numbers: 112961000001000 and 112961000002001

PROPERTY SIZE: 19.57 acres total

AREA TO BE USED: 4.5 acres total

LAND USE: Existing cemetery and agricultural

ZONING: Rural Lands Five Acre District

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested twenty-three (23) Findings of Fact and six (6) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is requesting a Conditional Use Permit to expand an existing legal nonconforming cemetery in the Rural Lands Five Acre Zoning District (**HEM 1.3**). The existing cemetery is approximately 2.5 acres in size and the proposed expansion would add 2 acres from the adjacent parcel along the southern

property line.

The existing cemetery includes 1,650 plots, a paved access road, and a 660 square foot accessory structure/shed. The proposed 2-acre expansion would add approximately 765 additional plots, 4 niches which each include approximately 96 spaces, an additional 300 by 20-foot paved access road, and a 22-space parking area. No additional structures are being proposed.

The design of expansion area will be similar to the existing cemetery operation with the exception of a slightly larger access road. The services provided will be consistent with the existing operation. There are proposed to be approximately 10 events/services a year including ash services with up to 20 attendees.

The applicant is proposing to complete the expansion project in three general phases of unknown timing as funding and resources become available. Phase one involves purchasing the additional land, completing a Boundary Line Adjustment, installing irrigation infrastructure, and clearing the site of the previous agriculture use. Phase two includes landscape development and construction of the parking area and access road. Phase three will be the installation of cemetery plots/niches. The applicant estimates the final phase will begin in three to seven years.

Application submittal and notification dates are described below:

1. The application for CUP 2023-014 (HEM 1.3) was submitted to the Benton County Planning Division on September 18, 2023.
2. The application was declared complete for processing on September 20, 2023. (HEM 1.5)
3. The application documents were distributed to reviewing agencies on September 20, 2023. (HEM 1.6)
4. A Mitigated Determination of Non-Significance for EA 2023-016 was issued on October 23, 2023. (HEM 1.7)
5. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2023-014 was published on November 1, 2023 in the Prosser Record Bulletin. (HEM 1.12)
6. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on October 26, 2023.
7. The Open Record Hearing is scheduled for November 17, 2023.

APPLICABLE STANDARDS/ORDINANCES:

1. *Benton County Comprehensive Plan*
3.3.2.3 Rural Land Use Designations

Rural Remote is the predominant rural land use in the County. This land is located mostly between the agricultural lands (GMA Agriculture), Rural Transition, and the UGAs. Rural Remote land use is intended to enhance and preserve the County's rural character, which includes rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural home sites on which a limited range of agricultural activities may be conducted. Allowable

density in Rural Remote land use is 1DU/5acres.

2. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.50 Variance and Conditional Use

Section 11.50.040 Conditional Use - General Standards

The conditional use 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 11.50.050.

Certain uses are classified as conditional 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 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 Chapter 11.51 BCC.

Section 11.50.040 (d) Conditional Use – Permit Granted or Denied

A conditional use 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; and
- (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.

It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made. If such evidence is not presented or all necessary reasonable conditions are not identified by the applicant to allow the Hearings Examiner to make the conclusions required above, the conditional use application shall be denied.

In addition to considering the impacts of the proposed use, the Hearings Examiner must also consider any evidence presented regarding any similar impacts of uses allowed outright in this

zone, and if such evidence is received, compare those impacts to those of the proposed use.

If negative impacts are identified, the Hearings Examiner must try to identify reasonable conditions that would mitigate those impacts sufficiently to allow the Hearings Examiner to make the findings necessary to grant the permit. The applicants may be asked to identify reasonable conditions, but the Hearings Examiner may independently identify conditions. Further, an applicants' disagreement with a particular condition should not dissuade the Hearings Examiner from granting the permit with such condition(s), as opposed to outright denial, if the Hearings Examiner is able to conclude that the condition(s) is/are reasonable in their judgment.

PUBLIC NOTICE:

The Public Notice Requirements for this application as per BCC 11.50.050(b) are as follows:

1. The Planning Division shall provide written notification for an open record hearing, subject to the rules and regulations set forth in RCW 36.70. Written notice shall be mailed at least twelve (12) days in advance of the open record hearing to the applicant and the owner of the parcel(s) to which the proposed variance or conditional use permit would apply, and to all owners of real property, as shown in the records of the Benton County Assessor, located within a distance of three hundred (300) feet of any portion of the applicable parcel, provided that if the owner of the parcel for which the proposed variance or conditional use permit is requested owns another parcel or parcels adjacent the parcel at issue, notification shall be mailed to owners of real property located within three hundred (300) feet of any portion of such adjacent parcels as well. Failure to receive the notice shall not invalidate any proceedings or decision in connection with the proposed variance or conditional use permit. Notices addressed to the last known owner of record as shown on the County Assessor's records shall be deemed proper notice to the owner of such property; and,
2. By publication of a legal notice in a newspaper of general circulation in the County at least ten (10) days prior to the open record hearing date.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on September 20, 2023:
 - a. Benton County Public Works Department
 - b. Benton-Franklin Health District
 - c. Benton County Fire District #2
 - d. Benton County Building Division
 - e. Benton County Fire Marshal
 - f. Benton Irrigation District
 - g. Benton PUD
 - h. Benton County Assessor
 - i. City of Benton City
 - j. Washington State Department of Ecology
 - k. Washington State Department of Licensing
2. The Benton County Public Works Department has no comments (HEM 1.9).

3. The Benton Irrigation District commented that the design of the cemetery's irrigation system is satisfactory (HEM 1.10).
4. The Benton County Fire Marshal has no comments (HEM 1.11).
5. The following are general comments and discussion points from the Benton County Planning Division:
 - a. The lot is zoned Rural Lands Five Acre District (RL-5).
 - b. The lot is designated Rural Remote by the Benton County Comprehensive Plan.
 - c. Surrounding land uses: The properties adjoining the subject property are predominantly residential and agricultural in nature.
 - d. The proposed expansion requires a Boundary Line Adjustment.
 - e. The proposed cemetery operation has undergone the required SEPA Environmental Checklist review process (EA 2023-016) and was issued a Mitigated Determination of Non-Significance on October 23, 2023.
 - f. The applicant shall meet and comply with the following mitigating conditions for EA 2023-016:
 - i. A Proof of Contact: Soil Destabilization Notification must be provided to the Benton Clean Air Agency.
 - ii. The property owner must obtain an Access Connection Permit (ACP) from the Washington State Department of Transportation.
 - iii. Prepare and provide a Washington State Department of Archaeology and Historic Preservation approved inadvertent discovery plan (IDP).
 - iv. Provide notification to the Washington State Department of Archaeology and Historic Preservation upon completion of the boundary line change.
 - g. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified on this property. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
 - h. A grading permit issued by the Benton County Building Division may be required for the creation of the proposed access road.

FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

The following Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for CUP 2023-014 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

Based on the information received to date, Planning staff recommends approval of the applicant's request with the following suggested findings of fact and conditions of approval:

SUGGESTED FINDINGS OF FACT

1. The applicant is Evergreen Cemetery (Kiona Benton Cemetery Association), PO Box 117, Benton City, WA 99320.

2. The applicant is requesting a Conditional Use Permit to expand an existing legal nonconforming cemetery in the Rural Lands Five Acre Zoning District.
3. The existing cemetery and proposed expansion are located immediately southwest of the intersection of SR 225 and Corral Creek Road in the Benton City area of unincorporated Benton County at site address 7 W Corral Creek Road. Parcel numbers 112961000001000 and 112961000002001.
4. The property is currently surrounded by agricultural and residential uses.
5. The existing cemetery is approximately 2.5 acres in size.
6. The proposed expansion would require a Boundary Line Adjustment to acquire the proposed 2-acres from the southern parcel.
7. The proposed expansion would result in a 4.5-acre cemetery.
8. The existing cemetery includes 1,650 plots, a paved access road, and a 660 square foot accessory structure/shed.
9. The proposed 2-acre expansion would provide approximately 765 additional plots, 4 niches which each include approximately 96 spaces, an additional 300 by 20-foot paved access road, and a 22-space parking area.
10. No additional structures are being proposed at this time.
11. The design of expansion area will be similar to that of the existing cemetery operation with the exception of a slightly larger access road.
12. Services provided by the completed project will be consistent with the existing operation.
13. Approximately 10 events/services a year are proposed including ash services with up to 20 attendees.
14. The applicant is not proposing any designated hours for services or events.
15. The expansion is being proposed to occur in three general phases of unknown timing as funding and resources become available.
 - a. Phase one involves purchasing the additional land, completing a Boundary Line Adjustment, installing irrigation infrastructure, and clearing the site of the previous agriculture use.
 - b. Phase two includes landscape development and construction of the parking area and access road.
 - c. Phase three will be the installation of cemetery plots/niches. The applicant estimates the final phase will begin in three to seven years.
16. The proposed cemetery operation has undergone the required SEPA Environmental Checklist review process and was issued a Mitigated Determination of Non-Significance on October 23, 2023.
17. The proposed cemetery facility is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
18. The applicant submitted the following materials for the CUP review process on May 26, 2023:
 - a. Benton County Conditional Use Permit Application
 - b. SEPA Environmental Checklist

- c. General Business Plan
 - d. Site plan
19. There are no designated critical areas within the project boundaries.
 20. Public notice requirements have been met for CUP 2023-014.
 21. Comments were received from the following agencies:
 - a. Benton County Fire Marshal
 - b. Benton County Public Works Department
 - c. Washington State Department of Ecology
 - d. The Benton Irrigation District
 21. The application for CUP 2023-014 does meet the intent and standards of the Benton County Comprehensive Plan.
 22. The application for CUP 2023-014 does meet the definition, requirements, and standards of the Benton County Code, Title 11 (Zoning).
 23. The application for CUP 2023-014 does meet the requirements of Section 11.50.040 (d) Conditional Use - Permit Granted or Denied.

SUGGESTED CONDITIONS OF APPROVAL

1. The ongoing activities on the site shall comply with the submitted site plan(s) and materials submitted for this application including but not limited to:
 - a. Benton County Conditional Use Permit Application
 - b. SEPA Checklist
 - c. Business proposal
 - d. Proposed site plan
2. A Boundary Line Adjustment must be completed prior to CUP issuance.
3. Owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation.
4. Future construction or activities associated with this business operation require review under the Benton County Zoning Ordinance. Applicants shall contact the Planning Division prior to any construction or changes in activities on site.
5. The project facility shall follow the rules and regulations of the Benton-Franklin Health District at all times, including standards for drinking water, on-site sewage systems, and BFHD standards.
6. The applicant shall meet and comply with the following mitigating conditions for EA 2023-016:
 - a. A Proof of Contact: Soil Destabilization Notification must be provided to the Benton Clean Air Agency.
 - b. The property owner must obtain an Access Connection Permit (ACP) from the Washington State Department of Transportation.
 - c. Prepare and provide a Washington State Department of Archaeology and Historic Preservation approved inadvertent discovery plan (IDP).
 - d. Provide notification to the Washington State Department of Archaeology and Historic

Preservation upon completion of the boundary line change.

TIME TO COMPLETE CONDITIONS OF APPROVAL:

The applicant shall have one year to meet all of the Conditions of Approval.

If all conditions of approval have not been met and the Planning Division does not issue the Conditional Use Permit within one (1) year from the time the Hearings Examiner has 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.

TRANSFERABILITY:

This Conditional Use Permit is transferrable by the holder. If a new property owner wishes to continue to operate a cemetery, the new owner must update the Conditional Use Permit application, accept the Conditions of Approval in writing, and be approved by the Planning Manager prior to transfer of the permit being allowed.

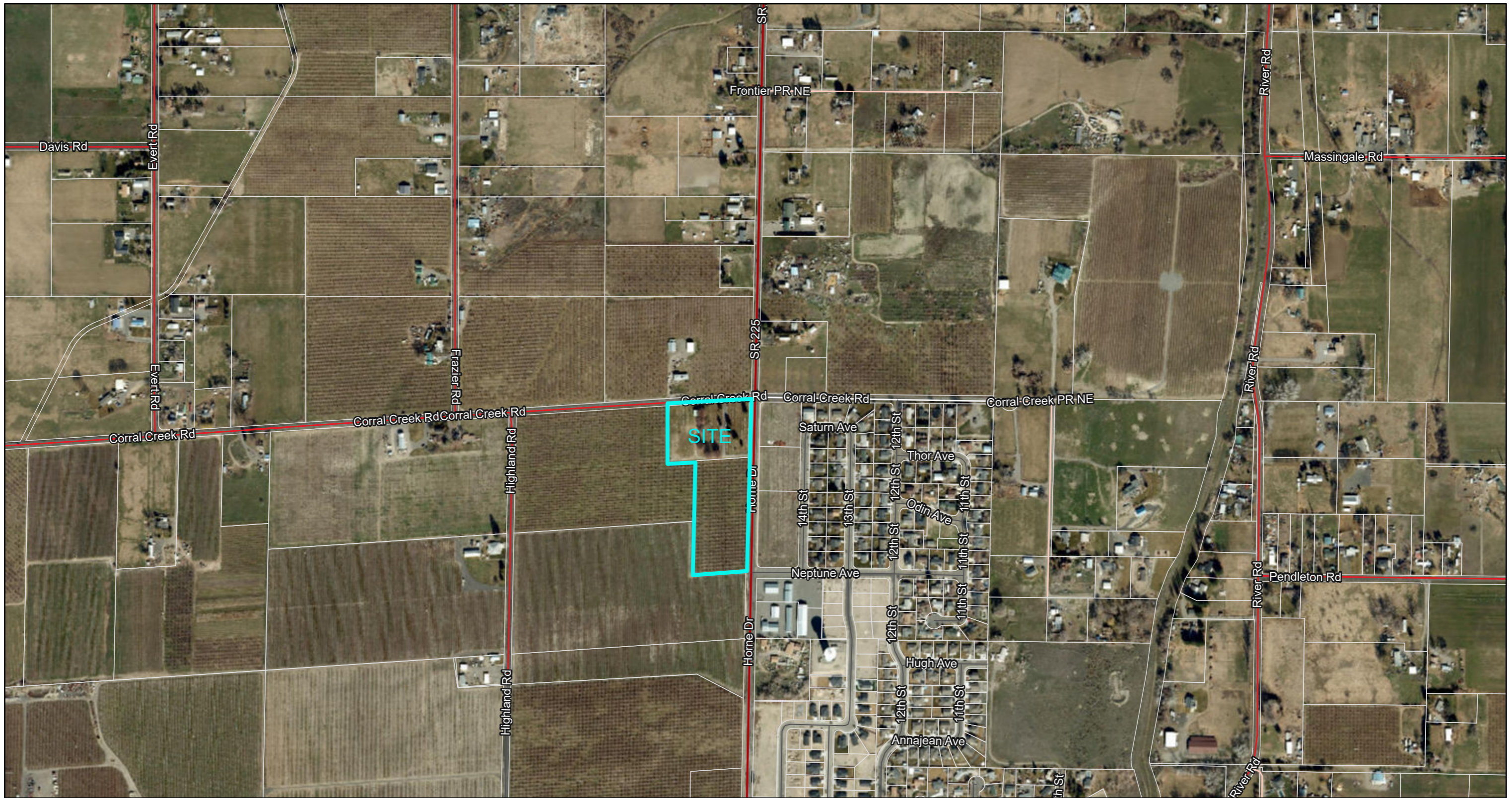
VIOLATIONS OF CONDITIONS OF APPROVAL:

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2023-0014 is in effect.

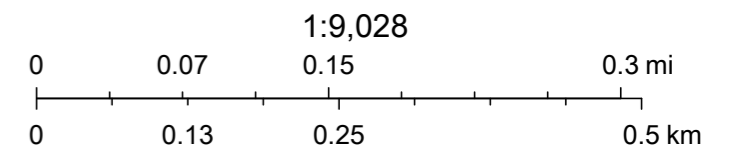
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with notice as set forth in BCC 11.50.050(b), as amended. This condition does not foreclose the County's use of other enforcement mechanisms.

CUP 2023-014 Vicinity Map

HEM 1.2



10/23/2023, 9:36:03 AM



Geophex Surveys Ltd., Maxar

Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

RECEIVED

SEP 18 2023

Benton County
Planning Division

CONDITIONAL USE PERMIT APPLICATION

File No. CNP 2023-014

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Evergreen Cemetery (Kiona Benton Cem. Assn)
Mailing Address (with City, State & zip): P.O. Box 117, Benton City, WA 99320
Phone #1: 509-967-2714 Phone #2: 509-212-4352
Email Address(es): threeletteranch@hotmail.com; monkeytanK06@gmail.com
Signature: Steven Wallace Date: 4/27/23

Name of Property Owner(s) (if different): River Valley Orchards
Mailing Address (with City, State & zip): PO Box 8 Grandview WA 98930
Phone #1: 509-888-3131 Phone #2: _____
Email Address(es): gggfoodc.rivervalleyfruit.net
Signature: Juni Adams Date: 06-21-23
Signature: _____ Date: _____

*If there are additional owners please copy this section, sign, and attach to the application

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.

ENTITY SIGNATURE BLOCK

Applicant/Legal Owner name: Kiona-Benton Cem. Ass - Evergreen Cem.
President - Steven Wallace Title: President
Officer name: Vice president - Ryan Smith Title: Vice president
Signature: Vice president - Steven Wallace Date: 4/27/23

THE ABOVE SIGNED OFFICER OF (name of entity) Kiona-Benton Cem. Ass - Evergreen Cem. WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT (name of applicant) Steven L Wallace/Ryan Smith TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

Any information submitted to the Benton County Planning Division 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.

PARCEL INFORMATION

1. Subject property address (including city): 7W Corral Creek Rd, Benton City, WA
2. Parcel number(s): 112961000001000 (current); River Valley Orchards 99320 cemetery 112961000002001 (Land sub-divide)
3. Total Acreage: 4.5
4. Access: County Road State Road/Highway Private Road
Located in County
5. Utilities:
 - Power: Benton PUD Benton REA Other: N/A
 - Sewer: Septic Tank City Sewer Other: N/A
 - Water: Individual well(s) One well serving 2-4 lots One well serving 5+ lots
 City System Provider: N/A
 Private System Provider name and address: _____
 - Gas: No Yes Provider name: N/A
 - Irrigation: No Yes Provider name: Benton Irrigation District
47506 Highland Rd
Benton City, WA 99320
6. Current use(s) on property: see attached Benton County Property Search for current use
7. What are you proposing to do that requires a Conditional Use Permit? _____
expand current cemetery - see map attached

For the following proposed uses, please attach the appropriate addendum form:

Business Use, Detached Accessory Dwelling Unit, Child Care Facility (Type B), Bed & Breakfast, Mineral Extraction (Commercial Sand & Gravel), Commercial Kennel, Winery.

8. Additional comments or information: _____

If further explanation is needed for any of the questions above, please attach additional pages.

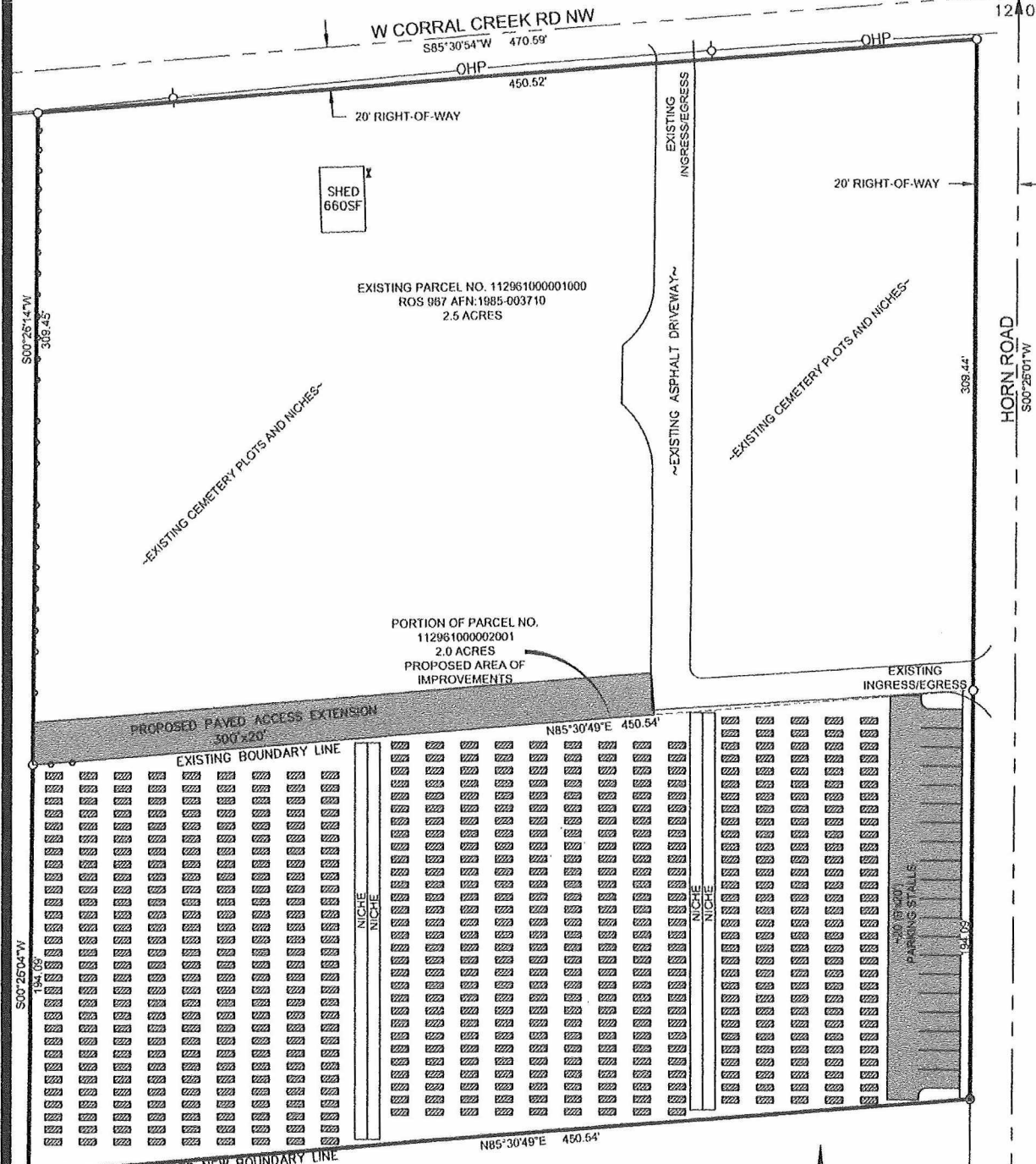
(FOR STAFF USE ONLY) Access: Y N Application Complete: Y N
 Critical Areas: N Y: _____ Zoning: _____
 Reviewed by: _____ Date: _____

Any information submitted to the Benton County Planning Division 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.

CUP APPLICATION
KIONA BENTON CEMETERY ASSOCIATION

HEM 1.4

01V06
12A07



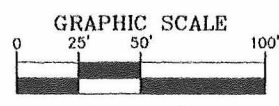
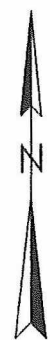
- FENCE POST
- ✕ IRRIGATION VALVE
- POWER POLE
- PROPOSED NEW PROPERTY CORNERS
- EXISTING PROPERTY CORNERS
- ▨ PROPOSED 3'x8' PLOTS

PROPOSED AND EXISTING PROPERTY CORNERS NOT FIELD VERIFIED, CALCULATED FOR PURPOSES OF CUP APPLICATION

EXISTING AREA PARCEL AREA: 2.5 ACRES
 PROPOSED NEW PARCEL AREA: 4.5 ACRES
 EXISTING PLOTS: ~1850
 PROPOSED NEW PLOTS: ~700
 PROPOSED NICHE: FOUR (4), 4' HIGH, 96 SPACES PER NICHE (48 FRONT/48 BACK)

SITE PLAN IS CONCEPTUAL AND PROVIDED FOR THE PURPOSE OF A CONDITIONAL USE PERMIT. NOT INTENDED FOR DESIGN PURPOSES.

PORTION PARCEL NO. 11296100002001
 CURRENT USE: AGRICULTURE



1 INCH = 50' FT.
 DATE: 8/23/23

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
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planning.department@co.benton.wa.us

HEM 1.5

September 20, 2023

Evergreen Cemetery
C/O Steve Wallace
PO Box 117
Benton City, WA 99320

Via Email: Threeletteranch@hotmail.com
Monkeytank06@gmail.com

RE: Written Determination of Completeness
File Number(s): CUP 2023-014; EA 2023-016

Dear Mr. Wallace,

This office is in receipt of your project permit application(s) for a Conditional Use Permit and Environmental Checklist for the expansion of Evergreen Cemetery in the Rural Lands 5 Acre District in the Benton City Area of Benton County, WA. The Planning Division has determined that the required materials have been submitted and the applications are complete. File Numbers have been assigned (CUP 2023-014; EA 2023-016) and the review process will now begin.

During the review and comment period, more clarification or information may be needed from you. If additional information is required, it will need to be submitted to our office before we can make a final determination

If you have any questions regarding this matter, do not hesitate to contact this office.

Sincerely,

Andrea Watts
Senior Planner
Benton County Community Development Department
Planning Division

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wisner Parkway
www.co.benton.wa.us



Planning Division

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HEM 1.6

September 20, 2023

Benton County Public Works Department
Benton-Franklin Health District
Benton County Fire District #2
Benton County Building Division
Benton County Fire Marshal
Benton Irrigation District
Benton PUD
Benton County Assessor
City of Benton City
Washington State Department of Ecology
Washington State Department of Licensing

RE: Agency review of a Conditional Use Permit application

File #: CUP 2023-014

Parcel #: 1-1296-100-0002-001

Applicant: Evergreen Cemetery (Kiona Benton Cemetery Association)

Attached is a Conditional Use Permit application for your agency's review.

The applicant is proposing a 2-acre expansion of an existing cemetery in the Rural Lands 5 Acre Zoning District. The project is located at situs address 7 W Corral Creek Rd in Benton City, WA 99320.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by **October 4, 2023**. Please reference file number **CUP 2023-014** in all correspondence.

Please note: Your agency may also get notification of agency review for the associated SEPA Environmental Assessment (EA 2023-016). When submitting comments please include the file number of the application in which you are supplying comments.

If you have any questions or need more time to review the application, please contact the Planning Division at (509) 786-5612 or to the email above.

Thank you,
Benton County Planning Division

Community Development Department

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(509) 786-5612
Planning.department@co.benton.wa.us
102206 E Wiser Parkway, Kennewick, WA 99338

HEM 1.7

MITIGATED DETERMINATION OF NON-SIGNIFICANCE

Proponent: Evergreen Cemetery (Kiona Benton Cemetery Association)
C/O Steve Wallace
PO Box 117
Benton City, WA 99320

File No. EA 2023-016

Project Description: A proposal for a 2-acre expansion of an existing 2.5-acre cemetery in the Rural Lands 5 Acre Zoning District.

Project Location: The project is located in the Benton City area of unincorporated Benton County, at situs address: 7 W Corral Creek Road, Benton City, WA 99320. The parcels are legally described as a portion of Section 12, Township 09N, Range 26E, W.M., parcel numbers 1-1296-100-0002-001 and 1-1296-100-0001-000 as shown on Survey #967.

Jurisdiction: Benton County, Washington

Lead Agency: Benton County Planning Division

Threshold Determination: The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c), provided that the following measures are taken to mitigate potential adverse impacts. Substantive authority to require mitigation is derived from WAC 197-11-660 and Benton County Code, Chapter 6.35.120. The decision was made after review of a completed environmental checklist, comments received from various agencies and other information on file with the lead agency. This information is available to the public on request.

Conditions/Mitigating Measures: See attached conditions. Benton County has received timely comments and determined that such conditions are necessary to mitigate specific adverse impacts.

Appeals: You may appeal this determination to the Benton County Planning Division at 102206 E Wiser Parkway Kennewick, WA 99337, no later than Friday, October 30, 2023, by written notice. The fee for a threshold determination appeal is \$800.00. An appeal of the determination must be made in writing to the Benton County Planning Division and a public hearing will be scheduled and the appellant will be notified of the date, time, and place. You should be prepared to make specific factual objections. Contact the Planning Division to read or ask about the procedures for SEPA appeals.

SEPA Responsible Official: Michelle L. Mercer
Position/Title: Planning Manager
Address: 102206 E Wiser Parkway, Kennewick, WA 99337

Date: 10/23/2023



Michelle L. Mercer, Planning Manager
Benton County Community Development Department

DISTRIBUTION LIST

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Fire District #2	
Tom Price, Environmental Review Inc.	

Evergreen Cemetery

Our plans for the two-acre purchase of land –see map attached, is to expand the existing cemetery to include this two-acre portion of land. Implementation of this project will be in three general phases as funding and resources become available.

- Phase one will be completing the Boundary Line Adjustment, purchasing the land, and developing the general layout of the expansion area including site clearing and installation of irrigation infrastructure. (1-3 years)
- Phase two will be landscaping development, and the installation of the parking area and access road. (2-5 years)
- Phase three will be the installation of cemetery plots/niches which was discussed with Rebecca Warrington, Public Health, and Environmental Health Specialist after meeting with her. (3-7 years)

The cemetery will be laid out similar to the existing cemetery that is there except with the exception the road being wider, allowing 2 cars to go down the middle, between the 2 plots of land and the parking lot will consist of 22 spaces, which entry will be off from horn road (existing entry way).

We will hook up to the existing irrigation water which is already there in place from BID. BID has already been notified and we will have to change a valve to allow access to new property with new piping.

Existing plots 1,650; proposed new plots approx 765 (no building shed like existing property), and 4 niches 4 ft high ~96 spaces per niche. We've spoken with Prosser Cemetery, Muller's, Hillcrest, Einan's and Hermiston to get help as well as guidance in designing the new land. As stated, we do not plan to put a building and/or potable water on the new 2 acres of land. After much discussion we want it to remain simple.

There will be approximately 10 events/services a year including ash services with up to 20 attendees.

Nikki Relyea

From: Cristina Woods
Sent: Thursday, September 21, 2023 1:10 PM
To: Planning Department
Subject: RE: Agency Review for CUP 2023-014 Evergreen Cemetery

Good afternoon

Public Works has no comments.

Thank you



Cristina Woods, PE • *Civil Engineer I*
Benton County Public Works
102206 Wisner Parkway , Kennewick WA, 99338
cristina.woods@co.benton.wa.us
(509) 786-5611

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, September 20, 2023 11:23 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Fire District #2 - R. Duncan <rduncan@bcfpd2.org>; AsstFireChief@bcfpd2.org; DistrictAdmin@bcfpd2.org; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Benton.irrigation@frontier.com; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Segregations <segregations@co.benton.wa.us>; City of Benton City - Jeni Zuniga - City of Benton City <cclerk@owt.com>; Crosepa@ecy.wa.gov; funerals@dol.wa.gov
Subject: Agency Review for CUP 2023-014 Evergreen Cemetery

Good morning,

Please see the attached materials for a Conditional Use Permit to expand an existing Cemetery at 7 W Corral Creek Road in Benton City, WA 99320.

Please respond with any comments by October 4, 2023.

Thank you,

Nikki Relyea

From: bidblanchard@gmail.com
Sent: Wednesday, September 27, 2023 7:07 AM
To: Nikki Relyea
Subject: [EXTERNAL] Evergreen Cemetery

EXTERNAL EMAIL WARNING!!!: This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Nikki,

I have discussed in detail with Steve Wallace the design of the cemeteries irrigation system. There will be no changes. Whom ever does the leg work for the Short Plat signatures... I will be more than happy to sign off on it 😊
Any questions or concerns please reach out.

Thank you,

Jason Blanchard
B.I.D. Operations Manager
47506 Highland Road
Benton City WA, 99320
www.bidwater.org
Cell: (509)579-6652



November 7, 2023

Fire Marshal Comments:

HEM 1.11

Date: November 7, 2023

Andrea,

From the perspective of the Fire Marshal, I have no comments at this time.

**If you have questions on these requirements, please, feel free to contact the
County Fire Marshal at (509) 735-3500. Ext 2411.**

Re: CUP 2023-014, Evergreen

**Gary Tiplady
Benton County Fire Marshal
Building Inspector II
509-735-3500
Gary.Tiplady@co.benton.wa.us**

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
 Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us

**Planning Division**

(509) 786-5612

Planning.department@co.benton.wa.us
 102206 E Wiser Parkway, Kennewick, WA 99338

NOTICE OF OPEN RECORD HEARINGS

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Hearings Examiner for Benton County, Washington.

NOTICE IS FURTHER GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications on **November 17, 2023** at 10 a.m. in the Planning Hearing Room, First Floor Courthouse, 620 Market Street, Prosser, WA 99350. The hearings will be held in-person and virtually/telephonically via Webex. To find information on attendance and testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>.

CONDITIONAL USE PERMIT – CUP 2023-013 The applicant, Brion Beaver, is proposing to construct an 800 sq. ft. accessory dwelling unit on a proposed parcel with a 2,599 sq. ft. single-family residence. The property is located approximately .23 miles west of the intersection of Haney Road and Bowles Road in the Kennewick area of unincorporated Benton County, Washington. Parcel 1-2180-101-1001-001.

CONDITIONAL USE PERMIT – CUP 2023-014 The applicant, Evergreen Cemetery, (Kiona Benton Cemetery Association), is proposing a 2-acre expansion of an existing 2.5 acre cemetery at 7 W Corral Creek Road, Benton City, WA 99320. Parcel 1-1296-100-0002-001.

VARIANCE PERMIT – VAR 2023-006 The applicant, Paul Dobrovolsky, is proposing to construct a single family dwelling within the Rural Lands Five Acre Zoning District (RL-5) at 217215 E Finley Road, Kennewick, WA 99337 and is requesting a variance to reduce the 25-foot setback from the rear (south) setback by 8 feet. RL-5 requires all single family dwellings to have a setback of 25 feet from rear property lines. The granting of this variance would allow the proposed single family dwelling to have a setback of 17 feet from the property line. Parcel 1-1080-400-0007-000.

Anyone may participate in the hearings and present testimony or comments on an application. Persons may appear in person or virtually/telephonically during the hearing or provide written testimony to the Hearings Examiner (care of the Planning Division) on or before the date of the hearing. Written comments can be emailed to planning.department@co.benton.wa.us, mailed to or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick, WA 99338. Any information submitted to Benton County is subject to the public records disclosure

laws for the State of Washington (RCW Chapter 42.17) and all other laws that may require the release of the documents to the public.

If you wish to provide testimony during the hearing (in person or virtually), we ask that you inform the Planning Division before the meeting. You can do that by filling out a Request to Testify form at <https://tinyurl.com/testifyform> or by contacting our office to be added to the list. **You must submit a request for each hearing in which you wish to participate.** We ask that participants who will be attending virtually please limit background noise and/or mute their line to prevent interruptions of the meeting.

If you have questions regarding any of the actions before the Hearings Examiner or the hearing process, please contact the Planning Division at (509) 786-5612, 102206 E. Wiser Parkway, Kennewick, WA 99338, or planning.department@co.benton.wa.us

Dated this 24th day of October, 2023.

PUBLICATION DATE: November 1, 2023

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department