


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

MEMO DATE: DECEMBER 30, 2016

HEARING DATE: JANUARY 9, 2017

TO: BENTON COUNTY HEARINGS EXAMINER

FROM: JERROD MACPHERSON, ASSISTANT PLANNING MANAGER, 
BENTON COUNTY PLANNING DEPARTMENT

RE: NULL AND VOID STATUS
CONDITIONAL USE PERMIT - CUP 2014-009

**APPLICANT/
PROPERTY
OWNER:** NICHOLE HOOPER
26406 E RUPPERT ROAD
BENTON CITY, WA 99320

SPECIFIC REQUEST

The applicant was requesting approval of a Conditional Use Permit for the operation of a preschool for up to eight children called "Country Kidz Clubhouse."

BACKGROUND

The site is located at 26406 E Ruppert Road, Benton City, Red Mountain Estates, Lot 16, Block 1 in Section 33, Township 10 North, Range 27 East, W.M., Benton County, Washington.

Land Use: The site is currently developed with a single-family dwelling and an accessory building with the surrounding properties being developed with single-family residential dwellings.

Zoning/Comprehensive Plan: The site and surrounding properties are Rural Lands 5.

Washington State Environmental Policy Act: This project is categorically exempt from SEPA requirements.

FINDINGS OF FACT

- 1) The Benton County Board of Adjustment conducted a Public Hearing on this action on December 9, 2014.
- 2) The Board reviewed the entire record on this matter, including the staff report dated November 21, 2014 and other documents, materials, photographs and maps submitted as evidence along with documentation presented by the Benton County Planning Department on December 9, 2014. After considering all testimony, both oral and written, the Board recommended approval of the CUP with Findings of Fact, Conclusions of Law, and Conditions of Approval.

- 3) The Board approved this action with 15 conditions to be satisfied within a one year timeframe. The Benton County Planning Department conducted a site visit on September 17, 2015 and noted that Condition No. 9 – “the applicant must provide written verification to the Benton County Planning Department that the applicant has obtained all encroachment permits and has installed the road improvements as required by the Benton County Department of Public Works as noted in their comment letter dated November 24, 2014,” had yet to be satisfied.
- 4) The Benton County Planning Department sent a letter to the applicant on September 8, 2015 seeking a status update as to the compliance progress on the conditions of approval for CUP 2014-009. This letter also included a copy of the conditions of approval from the Board of Adjustment. The applicant responded with a letter dated October 5, 2015, which is attached, requesting an extension and stating that she was in the process of obtaining quotes and would anticipate the outstanding condition being satisfied by the summer of 2016.
- 5) The Benton County Hearings Examiner on October 19, 2015, at the request of the applicant, granted a one year extension for CUP 2014-009. The one year extension was granted in order for the applicant to complete all conditions of approval.
- 6) The Benton County Planning Department on September 29, 2016 contacted the applicant via email to remind her of the upcoming October 19, 2016 deadline for the completion of all conditions of approval associated with CUP 2014-009.
- 7) On October 31, 2016 the applicant, Nichole Hooper, contacted the Benton County Planning Department via email detailing the reasons for her non-compliance with the conditions of approval for CUP 2014-009 and for the closure of her preschool operation.
- 8) The Benton County Planning Department sent a letter to the applicant on October 31, 2016 indicating that CUP 2014-009 would be placed on the Benton County Hearings Examiner’s next meeting agenda for a null and void status.

DECISION

Conditional Use Permit – CUP 2014-009 is being placed on the January 9, 2017 Hearings Examiner Agenda for a null and void status due to the following:

- 1) Communication was received from the applicant on October 31, 2016 detailing the reasons for her non-compliance with the conditions of approval for CUP 2014-009 and for the closure of her preschool operation, therefore putting her CUP in null and void status.

Attachments: September 8, 2015 letter (Planning Department)
October 5, 2015 letter (Applicant)
September 29, 2016 email (Planning Department)
October 31, 2016 email (Applicant)
October 31, 2016 letter (Planning Department)

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

October 31, 2016

Country Kidz Clubhouse Preschool
Attn: Nichole Hooper
26406 E Ruppert Road
Benton City, WA 99320

Sent to: CountryKidzClubhouse@gmail.com

Re: Conditional Use Permit
CUP 2014-009

Dear Ms. Hooper,

Thank you for your email dated October 31, 2016. If you no longer have a need for the Conditional Use Permit, we cannot put the file/application on hold until you have need of it again. It will have to be declared null and void at our next hearing's examiner meeting. If and when you have a need for the Conditional Use Permit, you would need to re-apply for a permit.

If and when you start your business again, please be aware that if you plan to care for fewer than 13 children you would need to apply for a Child Day Care Facility "Type A" which does not require a public hearing. If you plan to have more than 12 children, you would re-apply for the Conditional Use Permit for a Child Day Care Facility "Type B" and that would go through the public hearing process. Either application would still require paving the approach prior to final approval.

If you have any questions about this letter or your options going forward, please feel free to contact me at Clark.Posey@co.benton.wa.us or (509) 786-5612.

Thank you,


Clark A. Posey
Assistant Planning Manager

CAP:alb

Clark Posey

From: Nichole Hooper <countrykidzclubhouse@gmail.com>
Sent: Monday, October 31, 2016 11:52 AM
To: Clark Posey
Subject: Re: Driveway Approach

Hi Clark!

Unfortunately due to the free preschool programs in the school districts, I have lost a lot of preschoolers and I am going to have to close my preschool! :(I did obtain a preschool teaching position at a different school so I still get to work with kiddos!! Is there anything I need to do regarding my conditional use permit since I will no longer be in business? Also I MIGHT be in business next fall if I get a grant I am going for to teach free preschool so it might be good for me to keep my permit?? Let me know what you think I should do!!!

Thanks!

Nichole

On Thu, Sep 29, 2016 at 2:53 PM, Clark Posey <Clark.Posey@co.benton.wa.us> wrote:

Nichole,

As the summer quickly turns into fall,

This is a reminder that you have until October 19th 2016 to submit proof that the approach to your preschool is paved and completed. This is one of the required conditions of approval (# 9).

If this has been completed, you need to provide a copy of the verification to this office from the Road Department

to prove it has is completed.

If you cannot provide a copy of the Road Departments approval, by the 28th of October you will be placed on the November Hearings Examiner meeting, for another Public Hearing, to Null n Void your application.

If voided by the Hearings Examiner you would no longer be able to operate your Preschool.

If you have any additional questions , please feel free to contact me at the Planning Department.

Clark

Clark A. Posey

Assistant Planning Manager

Benton County Planning Department

PO Box 910

Prosser WA 99350

509-786-5612 or 509-736-3086

Fax: 509-786-5629

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Mrs. Cole
(509) 308-5233
"Nichole Hooper"

Country Kidz Clubhouse
26406 E Ruppert Rd. Benton City, WA 99320



Preschool



Clark Posey

From: Clark Posey
Sent: Thursday, September 29, 2016 2:54 PM
To: 'Nichole Hooper'
Subject: Driveway Approach

Nichole,

As the summer quickly turns into fall,

This is a reminder that you have until October 19th 2016 to submit proof that the approach to your preschool is paved and completed. This is one of the required conditions of approval (# 9).

If this has been completed, you need to provide a copy of the verification to this office from the Road Department to prove it has is completed.


If you cannot provide a copy of the Road Departments approval, by the 28th of October you will be placed on the November Hearings Examiner meeting, for another Public Hearing, to Null n Void your application.

If voided by the Hearings Examiner you would no longer be able to operate your Preschool.

If you have any additional questions , please feel free to contact me at the Planning Department.

Clark

Clark A. Posey


Assistant Planning Manager
Benton County Planning Department
PO Box 910
Prosser WA 99350
509-786-5612 or 509-736-3086
Fax: 509-786-5629

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.



Country Kidz Clubhouse Preschool

26406 E Ruppert Rd. Benton City, WA 99320
(509)308-5233



October 5th, 2015

Planning Annex
P.O. Box 910
Prosser, WA 99350

RECEIVED

OCT - 6 2015

RE: Conditional Use Permit – CUP 2014-009

Benton County
Planning Department

Dear Benton County Planning Department:

I have received a letter asking if all the conditions of my Condition Use Permit-CUP 2014-009 have been met. All conditions of my permit have been meet except the condition of the easement. I have contacted the correct office and got an application for the permit to do the easement. I have even obtained some quotes from contractors to do the easement.

My husband and I are currently obtaining quotes from contractors to ASPHALT THE ENTIRE DRIVEWAY. I would like to ask for an extension to complete this condition. I would like to have this condition completed in summer of 2016 since my preschool is not open after May.

Thank you for your time,

Nichole Hooper

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

September 8, 2015

Nicole Hooper
26406 E Ruppert Road
Benton City, WA 99320

RE: Conditional Use Permit – CUP 2014-009

Dear Nicole Hooper:

The Benton County Board of Adjustment on December 9, 2014 reviewed and approved your conditional use permit for the operation of a preschool for up to eight children called "Country Kidz Clubhouse." The site is located at 26406 E Ruppert Road, Benton City, Red Mountain Estates, Lot 16, Block 1 in Section 33, Township 10 North, Range 27 East, W.M.

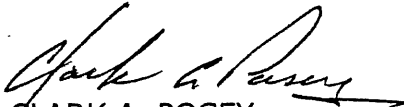
The Benton County Board of Adjustment was dissolved on December 31, 2014 and replaced by a Hearings Examiner.

This action is being placed on the Hearings Examiner Agenda for October 19, 2015 for review and decision making. If you are still actively pursuing this conditional use permit for the preschool, please forward a letter to this office outlining progress made within the last year with regards to satisfying the conditions of approval that are highlighted in the attached document. The letter will need to be submitted to the Benton County Planning Department by October 2, 2015. The Hearings Examiner will review prior and current documentation pertaining to this conditional use permit and render a decision on October 19, 2015.

The hearing will be conducted at 10 a.m. on Monday, October 19, 2015 – Planning Annex – 1002 Dudley Avenue – Prosser, WA 99350.

If you have any questions with regards to this matter, please do not hesitate to contact the Benton County Planning Department.

Sincerely,



CLARK A. POSEY,
ASSISTANT PLANNING MANAGER

Enclosure: Conditions of Approval

**BENTON COUNTY BOARD OF ADJUSTMENT
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION
FOR CUP 2014-009**

INTRODUCTION

THIS MATTER came before the Benton County Board of Adjustment for public hearing on December 9, 2014. The Board has read the entire record in this matter, including the staff report dated, November 21, 2014 along with other documents, materials, photographs and maps submitted as evidence herein and has considered all testimony, both written and oral.

Witnesses were sworn in and presented their testimony to the Board.

APPLICANT/PROPERTY OWNER

NICOLE HOOPER
26406 E RUPPERT ROAD
BENTON CITY, WA 99320

PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit for the operation of a preschool for up to eight (8) children – Country Kidz Clubhouse.

LOCATION

The site is located at 26406 E Ruppert Road – Benton City, Red Mountain Estates, Lot 16, Block 1 in Section 33, Township 10 North, Range 27 East, W.M.

EVIDENCE PRESENTED

APPLICANT TESTIMONY:

Nicole Hooper – 26406 E Ruppert Road – Benton City, WA 99320

PROPONENT TESTIMONY/OPPONENT TESTIMONY: NONE

EXHIBITS

BOAM – Board of Adjustment Memo Exhibits
BOAR – Board of Adjustment Record Exhibits
BOAH – Board of Adjustment Hearing Exhibits

BOARD OF ADJUSTMENT STAFF MEMO EXHIBIT LIST			
BOAM	EXHIBIT	DOCUMENT NAME	DATE
	BOAM 1.1	Staff Memo	November 21, 2014
	BOAM 1.2	Notice of Open Record Hearing	November 18, 2014
	BOAM 1.3	Benton County Fire Marshal's comments	November 13, 2014
	BOAM 1.4	Benton REA comments	November 13, 2014

BOAM 1.5	Benton County Building Dept. comments	November 14, 2014
BOAM 1.6	Benton Franklin Health Dist. comments	November 24, 2014
BOAM 1.7	Benton County Public Works comments	November 24, 2014
BOAM 1.8	Site Map – Planning Department	November 18, 2014
BOAM 1.9	Aerial Map – Planning Department	November 18, 2014

BOARD OF ADJUSTMENT RECORD EXHIBIT LIST

BOAR	EXHIBIT	DOCUMENT NAME	DATE
	BOAR 1.1	Conditional Use Permit	November 7, 2014
	BOAR 1.2	Floor Plan of residence submitted by applicant	November 7, 2014
	BOAR 1.3	Plot plan	November 7, 2014
	BOAR 1.4	Fire Evacuation Plan	November 7, 2014
	BOAR 1.5	Professional Qualifications of applicant	November 7, 2014
	BOAR 1.6	Letter from Benton Franklin Health District	April 6, 2006
	BOAR 1.7	NIT Test Panel	March 12, 2014
	BOAR 1.8	BFHD Coliform Bacterial Analysis	November 5, 2014
	BOAR 1.9	Country Kidz Clubhouse Pre-School Schedule	November 7, 2014
	BOAR 1.10	Country Kidz Clubhouse’s Mission	November 7, 2014
	BOAR 1.11	Picture of Proposed Pre-School Area	November 7, 2014
	BOAR 1.12	Picture of Parking Lot/Play Areas	November 7, 2014
	BOAR 1.13	Pictures Showing the following: (1) Key locked Bedrooms – Non-lockable door on bathroom, (2) Carbon Monoxide/Smoke Detector, (3) Shatter proof lights with protective sleeve, (4) Doors equipped with security chimes	November 7, 2014
	BOAR 1.14	Picture of children’s cubbies and Entrance to residence	November 7, 2014
	BOAR 1.15	Picture of kitchen outlining safety proofing	November 7, 2014
	BOAR 1.16	Picture (1) Carbon Monoxide/Fire Alarm (2) Key locked Bedroom/Laundry Room	November 7, 2014
	BOAR 1.17	Picture of kitchen/dead bolts and other important aspects.	November 7, 2014

NO EXHIBITS WERE PRESENTED TO THE BOARD ON DECEMBER 9, 2014

Following exhibits were introduced into evidence at the hearing were:

APPLICABLE LAW

The Benton County Code Section 11.16A.060 (In the Rural Lands 5 District) states that: “Any use not authorized or approved pursuant to BCC 11.16A.030, .040, and .050 is prohibited by laws of Benton County or the State of Washington,

1. 11.16A.050 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Five Acre District (RL-5) if a

conditional use permit is issued by the Board of Adjustment after notice and public hearing as provided by BCC 11.52.090.

(a) A school. BCC 11.16A.050

2. Benton County Code Section 11.52.090(a) states:

“Conditional Use/Special Permit General Standards. The conditional use/special permit application process allows the Board of Adjustment 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 Board of Adjustment to ensure 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.

3. Benton County Code Section 11.52.090(d) states:

“Conditional Use/Special Permit—Permit Granted or Denied. A conditional use/special permit shall be granted only if the Board of Adjustment can make findings of fact based on the evidence presented sufficient to allow the Board of Adjustment 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; and

Based on the evidence presented at the hearing, the Board makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT

Based on the above Findings of Fact, the Board now makes the following:

1. The property owners are Nichole & Chris Hooper, 26406 E. Ruppert Rd. Benton City, WA 99320
2. The applicant is requesting approval of a Conditional Use Permit Application for the operation of a preschool for up to 8 children on a 2.38-acre parcel. The hours of operation would be Monday thru Thursday 8:00 a.m. to 11:45 a.m.
3. The parcel is located at 26406 E. Ruppert Rd. Benton City, WA 99320 in Red Mountain Estates Block 1, Lot 16 of Section 33, Township 10 North, Range 27 East, W.M.
4. The application for CUP 2014-009 was submitted to Benton County on November 7, 2014 and declared complete on November 13, 2014.
5. Conditional Use Permit 2014-009 did not require that a Notice of Application be published. This project is categorically exempt from (SEPA) State Environmental Policy Act of Washington State.
6. The notice for the Benton County Board of Adjustment Open Record Hearing for application CUP 2014-009 was published on November 20, 2014 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 December 4, 2014.
7. The site is currently developed with a single-family dwelling and accessory building. The surrounding properties are developed with single-family dwellings.
8. The Benton County Comprehensive Plan designated the site and surrounding areas as "Rural Lands 5".
9. The applicant is proposing to utilize a manufactured home to operate a pre-school for up to eight children on site.
10. The Benton County Fire Marshal's comments are attached.
11. The Benton REA commented that they have reviewed the plan and have no comments. The existing building has power.
12. Then Benton County Building Department will require a building permit.
13. The Benton Franklin Health District comments are: The Benton Franklin Health District commented: The office recently performed an Existing Septic Evaluation on this property for the proposed pre-school. The existing residence is served by an on-site septic system that was approved for a maximum of three bedrooms. It is also served by an approved community well – Clark Boyer Water System. This office has the following comment regarding the proposed preschool. (1) Continued use of this septic system is appropriate for the existing three bedroom home containing the proposed pre-school. With the home having 4 full-time residents the pre-school shall be approved for up to a maximum of eight (8) preschool children. (2) The approved existing septic evaluation paperwork is attached – Account # 0314-8404.

14. The Benton County Public Works Department comments are: Since a daycare is considered a business. The approach onto Ruppert Road will need to be paved with Hot Mix Asphalt, built to Benton County Standard Plan 96-05.
15. The applicant will need to install a 6-foot tall fenced around the play area for safety.
16. The State of Washington requires that the proposed pre-school facility meet the requirements of WAC 388-295 and obtain a license from Washington State.
17. The applicant will need to provide an adequate and unobstructed area for children's drop-off and pick up.

CONCLUSIONS OF LAW

- A. The requested use is allowable by a conditional use permit under the current zoning ordinance.
- B. The granting of the conditional use permit would be compatible with the other uses in the surrounding area.
- C. The granting of the conditional use permit would 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.
- D. The granting of the conditional use permit 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.
- E. The granting of the conditional use permit would be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
- F. The granting of this conditional use permit 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.

DECISION

The Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Nicole Hooper – CUP 2014-009 should be **approved** with the conditions as noted:

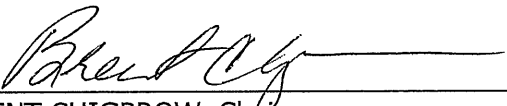
1. Applicant shall not conduct any of the activities within the scope of Conditional Use Permit 2014-009 until the applicant is in compliance with Conditions 3 through 10 set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein 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.

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 Board of Adjustment conditionally approved the conditional use permit, the Board of Adjustment may declare its approval null and void at a regular Board of Adjustment 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 Board of Adjustment meeting.
3. The applicant provides written verification to the Benton County Planning Department that all requirements of the Benton County Fire Marshal and Benton County Building Office have been complied with. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-009 is in effect.
4. The Benton Franklin Health District commented: The office recently performed an Existing Septic Evaluation on this property for the proposed pre-school. The existing residence is served by an on-site septic system that was approved for a maximum of three bedrooms. It is also served by an approved community well – Clark Boyer Water System. This office has the following comment regarding the proposed preschool. (1) Continued use of this septic system is appropriate for the existing three bedroom home containing the proposed pre-school. With the home having 4 full-time residents the pre-school shall be approved for up to a maximum of eight (8) preschool children. (2) The approved existing septic evaluation paperwork is attached. BFHD Acct. Number 0314-8404 September 18, 2014.
5. The applicant is to install a fence to be located around the children's play area. The applicant shall continue to meet this requirement while Conditional Use Permit CUP 2014-009 is in effect.
- ~~6.~~ The proposed use meets the Washington State Pre-School Facility licensing requirements. The applicant provides written verification from the State of Washington to the Benton County Planning Department that the applicant has complied with the State's requirements. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-009 is in effect.
7. The applicant obtains the appropriate building permits. All proposed buildings must meet the setback requirements for the Rural Lands 5, Zoning District. The applicant must submit written documentation to the Benton County Planning Department that all the required permits and approvals have been obtained.
8. If a sign is installed on-site, the sign shall not be located on or in the County right of way. The sign shall meet all setback requirements and the location shall be approved by the Benton County Department of Public Works. The applicant shall obtain a building permit, if required for the construction of the sign.
9. The applicant must provide written verification to the Benton County Planning Department that the applicant has obtained all encroachment permits and has installed the road improvements as required by the Benton County Department of Public Works as noted in their comment letter dated November 24, 2014.

10. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. The shield must mask the direct horizontal surface of the light source. The light must be aimed so the illumination is downward onto the ground surface with no light trespass. For the purpose of the above, the following items are defined: a) **light trespass** — means any light emitted by an outdoor lighting fixture that shines beyond the property on which the fixture is installed, or indirectly shines beyond the property on which the fixture is installed at a brightness that exceeds 0.1 foot candles at the property line. b) **Outdoor Lighting Fixture** —means a luminaire outside of an enclosed building or structure or any fixture directed such that it primarily illuminates private outdoor areas. (c) **Shielding** — means that no light rays are emitted by a fixture above the horizontal plan running through the lowest point of the fixture. (d) Means a complete lighting unit including lamps, together with parts required to distribute the light and connect the lamps to the power supply whether located on public or private property. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-009 is in effect.
11. That the property owner, contractor and any sub-contractors shall comply with all the requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin District Health Department, Benton County Department of Public Works and all other local, state and federal regulations pertinent to the conditional use permit pursued. The requirements of or permission granted by the Board of Adjustment shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-009 is in effect.
12. No parking within any part of the road right of way will be allowed. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2014-009 is in effect.
13. Parking spaces and parking lots must be in compliance with the American Disability Act (ADA) requirements as implemented by Benton County Building Department.
14. The site for the proposed pre-school facility shall be landscaped in such a manner as to be compatible with the surrounding uses. The applicant shall continue to meet this requirement while Conditional Use Permit CUP 2014-009 is in effect.
15. The applicant would be allowed to erect a 2 foot by 2 foot sign advertising the preschool on her property and not in the right-of-way.

THESE FINDINGS AND DECISIONS ARE PRESENTED AND TRUE AND COMPLETE

THIS 26th DAY OF December YEAR 2014



 BRENT CHIGBROW, Chairman
 BENTON COUNTY BOARD OF ADJUSTMENT