

Planning Department  
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DATE: December 11, 2018

MEETING DATE: December 17, 2018

TO: Benton County Hearings Examiner

FROM: Clark A. Posey, Assistant Planning Manager   
Benton County Planning Department

RE: CONDITIONAL USE PERMIT  
File # CUP 2018-009

APPLICANT/  
PROPERTY OWNER: Rubin & Ibelia Avalos  
157801 W. Old Inland Empire Hwy  
Prosser, WA 99350

MAILING ADDRESS &  
LOCATION ADDRESS: 157801 W. Old Inland Empire Hwy  
Prosser, WA 99350

PARCEL NUMBER: 1-0484-200-0000-000

**SPECIFIC REQUEST:** The applicants are seeking a Conditional Use Permit for the operation of an event center for weddings, reunions, anniversaries, birthday parties, etc. The events are to be conducted on a 23.25 acre parcel of land. The property is in the Rural Lands 5 Zoning District and is located within an area of single-family residential homes and pastures. The property has a single family residential home and garage/shop. A new building for the operation of the event center will be constructed.

**LOCATION:** The property is at 157801 W. Old Inland Empire HWY in Prosser, WA 99350 located on lot 4 of Short Plat 579 in Section 4, Township 8 North, Range 24 East, W.M. consisting of 23.25 acres.

**ZONING & COMPREHENSIVE PLAN DESIGNATION:** The subject and surrounding properties are designated in the Rural Lands 5 Zoning District.

**STATE ENVIRONMENTAL POLICY ACT:** Not required for this application.

**PUBLIC NOTICE:** The application for CUP 2018-009 was submitted to the Benton County Planning Department on November 6, 2018. The application was declared complete for processing and routing for comments by reviewing agencies on November 13, 2018. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2018-009 was published on Wednesday, December 3, 2018 in the Tri-City Herald. The Notice was also mailed to property owners of record within 300 feet of the outer boundaries of the parcel on December 3, 2018. The Open Record Hearing is scheduled for December 17, 2018.

## APPLICABLE DEVELOPMENT REGULATIONS

### **BENTON COUNTY ORDINANCE 611:**

**SECTION 44. 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 Hearings Examiner after notice and public hearing as provided by Ord. 611 §213.

- (n) Reception facility with a capacity not to exceed two hundred (200) attendees.

### **BENTON COUNTY ORDINANCE 611:**

#### **SECTION 213. CONDITIONAL USE.**

(a) Conditional Use Permit-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 Ord. 611 §214.

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 Ord. 611 §215 through 219.

### **BENTON COUNTY ORDINANCE 611:**

#### **SECTION 213.**

(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 so as to allow the Hearings Examiner to make the conclusions required above, the conditional use application shall be denied.

**BCC 6A.15.040:**

**PUBLIC NUISANCE NOISE--UNLAWFUL.** It is unlawful for any person to make, continue, or cause to be made or continued or to allow to originate from his or her personal or real property any public nuisance noise which: (a) is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred (200) feet of any dwelling; and, (b) either annoys, disturbs, injures or endangers the health, comfort, repose, peace or safety of others. [Ord. 292 (1996) ' 4]

**AGENCY COMMENTS**

1. Benton County Public Works Department commented the proposed CUP is located on Old Inland Empire Highway which is a County Road. A commercial approach permit is required.

"The applicant shall obtain a traffic impact study to determine the appropriate amount of off street parking (based on size and use) as well as any impacts to Old Inland Empire Highway. The report shall recommend to the property and/or County road system to mitigate impacts. Improvements to be considered shall include but not be limited to; multiple access points, wider driveways and/or turning radii, right turn and/or left turn pockets on Old Inland Empire Highway, shoulder widening, lane widening, etc. The study shall use the following for guidance:

- No on street parking for the event center will be permitted on Old Inland Empire Highway.
- Traffic entering the event center shall not be permitted to back up onto the public roadway.
- Appropriate vision triangles for any entrance or exit from the site shall be continually maintained by the applicant.

The study shall be prepared by a qualified traffic engineer licensed to practice Engineering in the State of Washington. The report shall be delivered to the Benton County Road Department for review, at which point specific development requirements will be issued based on the results of the study.

All driveways for the site (existing or proposed) shall be constructed and/or upgraded to meet current Benton County Driveway Standards. Applicant shall separately apply for a road approach permit and complete the necessary improvements in accordance with the Benton County Road Approach Policy. All approaches to this property shall be paved within the County right of way."

2. Benton Franklin Health District has reviewed the proposal and has the following comments:  
"a) A septic system application must be submitted to this office. The commercial building must be served by an on-site sewage disposal system that has been permitted, inspected, and approved by this office. As part of this process, the applicant will be required to prove that sufficient usable land area can be qualified for the existing residence and the proposed commercial building. This is attempted through the digging of test holes and subsequent evaluation of soil depth, etc. After reviewing test hole data gathered prior to the installation of the septic system that serves the home, the information indicates that this property has a very shallow basalt shelf and Ground Water Table. Achieving the Usable Land Area required for this proposal may not be possible.  
  
b) The existing well located on the property will need to go through the process of approval to become a Public Water Supply, prior to the well being allowed to service the commercial building. The applicants will need to submit the appropriate application to this office to begin the process.  
  
c) A Food Permit will be required for this proposal. The applicants will need to go through the process of applying for a food permit and the subsequent review process. For this please contact Justin Gerber at 509-460-4330 for additional information."

3. Benton County Fire Marshal had the following comments:  
"a) Depending on the Building Department's occupancy classification the building may be required to have fire sprinkler system.  
b) Commercial buildings over 2,500 sq. ft are required to provide onsite firefighter water. Although the

final construction documents have not been submitted, a sample fire flow worksheet has been completed for a 5,000 sq. ft wood frame building (attached). Based on the preceding construction information the sample fire flow worksheet determined a firefighting water supply of 31,000 gallons. This volume may be reduced if the type of construction changes to a less combustible construction and if a sprinkler system is installed.

c) The location of the firefighting water supply will be determined by Fire Chief Seth Johnson.”

4. Sunnyside Valley Irrigation District does not have any facilities within this parcel for development. Therefore, SVID has no comment related to the project.
5. Benton County Building Department had the following comments: “Any new or existing structures that will be used for the event center, will require building permits.”

### **PLANNING DEPARTMENT DISCUSSION**

1. The applicants are seeking a Conditional Use Permit for the operation of an event center for outdoor weddings, reunions, anniversaries, birthday parties etc. The events are to be conducted on a 23.25 -acre parcel of land. The property is in the Rural Lands 5 Zoning District. This property is located within an area of single-family residential homes and pastures. The property has a single family residential home garage/shop and the applicants will construct a new building for the operation of the event center.
2. The applicants will have 39 on-site parking spaces in a gravel parking lot. The application provides that the maximum persons attending an event would be 200, which is consistent with the maximum allowed by Ordinance 611 Section 44 (n).
3. The applicant's property will need to have a graveled parking area, with its paved approach onto Old Inland Empire Hwy.
4. Benton County Code Section 6A.15.050(p) provides that sounds created by normal un-amplified human voices from 6:00 a.m. to 10:00 p.m. are exempt from the provisions of Benton County Code 6A.15 and are not considered public nuisance noises.
5. The septic system was designed and installed as a single-family residential system: not for a commercial operation for up to 200 patrons. Additionally, the business must be served by an approved public water supply in accordance with WAC 246.291. The septic and drain field area must be improved to meet current health regulations.
6. 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.
7. 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.

## **PLANNING STAFF FINDINGS OF FACT**

The following Findings of Fact 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 2018-009 will need to be considered by the Hearings Examiner and may be added to the Findings as set forth below. The Hearings Examiner may decide to adopt these findings as their own or amend/add to these Findings of Fact and the proposed listed conditions after holding the open public hearing.

Based on the information received to date, the Planning Staff makes the following findings:

1. The applicants are seeking a Conditional Use Permit for the operation of an event center for outdoor weddings, reunions, anniversaries, birthday parties. The events are to be conducted on a 23.25 acre parcel of land. The property is in the Rural Lands 5 Zoning District. This property is located within an area of single-family residential homes and pastures. The property has a single family residential home and garage/shop and will construct a new building for the operation of the event center.
2. The property is at 157801 W. Old Inland Empire Hwy in Prosser, WA 99350 located on lot 4 of Short Plat 579 in Section 4, Township 8 North, Range 24 East, W.M. consisting of 23.25 acres.
3. The proposed use for CUP 2018-009 is allowable by Conditional Use Permit as stated in Ordinance 611, Section 44 (n) if approved by the Benton County Hearings Examiner.
4. The application for CUP 2018-009 was submitted to Benton County Planning Department on November 6, 2018. The application was declared complete for processing on November 13, 2018. The agency review letter was sent to agencies on November 14, 2018.
5. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2018-009 was published on Wednesday, December 3, 2018 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel on December 3, 2018. The Open Record Hearing is scheduled for December 17, 2018.
6. The proposed use would increase traffic on County-maintained Old Inland Empire Hwy.
7. The applicant has not submitted any evidence that the impacts of the event center would be greater than any outright permitted use in the Rural Lands 5 Zoning District.
8. The applicants are providing 39 on-site parking spaces in a graveled parking lot.
9. An approved on-site septic system must be installed and approved by the Benton/Franklin County Health Department before operation of the event center.
10. The facility must be served by an approved public water supply in accordance with WAC 246.291, and the Washington State Department of Health.
11. The renting party would be responsible to obtain a banquet license or other applicable licenses that would be required from the State of Washington if alcohol is to be served at an event. (This is State law, not an action enforced by the County).
12. The applicant has requested approval for one (1) sign for advertising the activity. To be mounted on the shop building to be built.

13. The applicant has requested the hours of operation 9:00 a.m. until 10:00 p.m. Monday through Sunday. It is a violation of the Benton County Nuisance Ordinance to have any loud activity after 10:00 p.m. Any cleaning activity or outside cleanup up of the facilities shall not take place after 10:00 p.m. which may affect the neighboring properties and violate Benton County Codes.

Benton County Code Section 6A.15.050(p) provides that sounds created by normal un-amplified human voices from 6:00 a.m. to 10:00 p.m. are exempt from the provisions of Benton County Code 6A.15 and are not considered public nuisance noises. Activity Noise before 6 a.m. or after 10:00 p.m. would be considered a noise nuisance.

### CONDITIONS OF APPROVAL

**If the Hearings Examiner decides to approve this Conditional Use Permit application (file number CUP 2018-009) based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department would recommend that the following conditions be reviewed and considered by the Hearings Examiner:**

1. Applicants shall not conduct any of the activities within the scope of Conditional Use Permit CUP 2018-009 until the applicants are in compliance with all the Conditions set forth herein. The applicants shall notify the Benton County Planning Department in writing when the conditions set forth herein have been fulfilled. 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 its approval null and void at a regular Hearings Examiner 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 Hearings Examiner meeting.
3. There must be a residence on site and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.
4. The applicant shall obtain a traffic impact study to determine the appropriate amount of off street parking (based on size and use) as well as any impacts to Old Inland Empire Highway.
  - a. The report shall recommend improvements to the property and/or County road system to mitigate impacts.
  - b. Improvements to be considered shall include but not be limited to; multiple access points, wider driveways and/or turning radii, right turn and/or left turn pockets on Old Inland Empire Highway, shoulder widening, lane widening, etc.

The study shall use the following for guidance:

- No on street parking for the event center will be permitted on Old Inland Empire Highway.
- Traffic entering the event center shall not be permitted to back up onto the public roadway.
- Appropriate vision triangles for any entrance or exit from the site shall be continually maintained by the applicant.

The study shall be prepared by a qualified traffic engineer licensed to practice Engineering in the State of Washington. The report shall be delivered to the Benton County Road Department for review, at which point specific development requirements will be issued based on the results of the study.

All driveways for the site (existing or proposed) shall be constructed and/or upgraded to meet current Benton County Driveway Standards. Applicant shall separately apply for a road approach permit and complete the necessary improvements in accordance with the Benton County Road Approach Policy. All approaches to this property shall be paved within the County right of way.

5. No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.
6. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity.
7. The reception facility shall comply with Benton County Ordinance 611, Section 44(n): Reception facility with a capacity not to exceed two hundred (200) attendees.
8. As per the Benton Franklin Health District:
  - a) A septic system application must be submitted to this office. The commercial building must be served by an on-site sewage disposal system that has been permitted, inspected, and approved by this office. As part of this process, the applicant will be required to prove that sufficient usable land area can be qualified for the existing residence and the proposed commercial building. This is attempted through the digging of test holes and subsequent evaluation of soil depth, etc. After reviewing test hole data gathered prior to the installation of the septic system that serves the home, the information indicates that this property has a very shallow basalt shelf and Ground Water Table. Achieving the Usable Land Area required for this proposal may not be possible.
  - b) The existing well located on the property will need to go through the process of approval to become a Public Water Supply, prior to the well being allowed to service the commercial building. The applicants will need to submit the appropriate application to this office to begin the process.
  - c) A Food Permit will be required for this proposal. The applicants will need to go through the process of applying for a food permit and the subsequent review process. For this please contact Justin Gerber at (509) 460-4330 for additional information.”  
The applicants shall continue to meet all such requirements while CUP 2018-009 is in effect.
9. The applicants shall provide written verification to the Benton County Planning Department that all requirements of the Washington State Department of Ecology for a Group B Public Water Supply System have been completed and approved. The applicants shall continue to meet all such requirements of the Department of Health while CUP 2018-009 is in effect.
10. The drain field and replacement drain field areas must remain unencumbered and not used for parking or storing of any vehicles or equipment.
11. The applicants shall provide written verification to the Benton County Planning Department that all building permits required of the Benton County Building Department have been obtained and any additional buildings must be permitted to meet current building code standards. The applicants shall continue to meet all such requirements while CUP 2018-009 is in effect.
12. Applicants are subject to Benton County Code Section 6A.15.050(p): sounds created prior to 6:00 a.m. or after 10:00 p.m. are to be considered a public noise nuisance. Amplified music must be contained within an enclosed building. The applicants shall continue to meet such requirements while CUP 2018-009 is in effect.

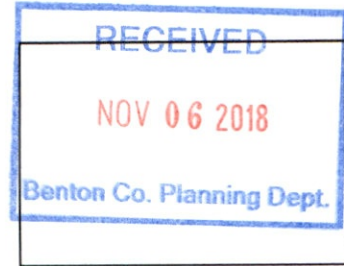
13. The applicants are to provide a parking plan showing where parking will take place. Parking is limited to 39 (thirty-nine) cars. No parking will be allowed along the public road right-of-way. No parking shall be allowed on adjoining properties not under the ownership of the parent parcel. The applicants shall continue to meet all such requirements while CUP 2018-009 is in effect.
14. The applicants need to maintain an emergency response and designated fire lane that must be kept open and unobstructed at all times during any event at the facility. This plan is to be coordinated and approved by the Benton County Fire Marshal and Benton County Fire District #1. The applicants shall continue to meet all such requirements while CUP 2018-009 is in effect.
15. That the approval of this conditional use permit does not in any way give the applicant approval for on-site distribution or consumption of alcoholic beverages. The rules and regulations of the Washington State Liquor and Cannabis Board must be followed. Appropriate permits or licenses must be obtained for any alcohol consumption on the premises. The applicants shall continue to meet all such requirements while CUP 2018-009 is in effect.
16. The applicant has requested the hours of operation 9:00 a.m. until 10:00 p.m. It is a violation of the Benton County Nuisance Ordinance to have any loud activity after 10:00 p.m. and days of operation would be Monday through Sunday, with recommended operation times of 9:00 a.m. to 10:00 p.m. Any cleaning activity or outside cleanup up of the facilities shall not take place after 10:00 p.m. which may affect the neighboring properties and violate BCC.  
  
Benton County Code Section 6A.15.050(p) provides that sounds created by normal un-amplified human voices from 6:00 a.m. to 10:00 p.m. are exempt from the provisions of Benton County Code 6A.15 and are not considered public nuisance noises.
17. 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.
18. That any waste created as a result of this conditional use permit must be disposed of off-site in a timely manner and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while CUP 2018-009 is in effect.
19. Applicant must adhere to and make the necessary required improvements to Old Inland Empire Hwy and to any constructed approach onto said road related to the traffic study performed and approved by the Benton County Road Department.

Conditions of this permit may be altered, added or deleted by the Hearings Examiner when deciding on the approval of this permit, after conclusion of the public hearing.

**EXHIBIT LIST FOR CUP 2018-009  
Ibelia Avalos**

			<b>DATE</b>
<b>Hearing Examiner Application Exhibit List</b>			
<b>HER 1</b>	HER 1.1	Application and Supporting Documents (8 pgs)	November 6, 2018
	HER 1.2		
	HER 1.3		
	HER 1.4		
<b>Hearings Examiner Staff Memo Exhibit List - December 17, 2018</b>			
<b>HEM 1</b>	HEM 1.1	Staff Memo	December 10, 2018
	HEM 1.2	Comments from Benton County Fire Marshal	November 15, 2018
	HEM 1.3	Comments from Sunnyside Valley Irrigation Dist.	November 16, 2018
	HEM 1.4	Comments from Benton County Road Department	November 19, 2018
	HEM 1.5	Comments from Benton Franklin Health District	November 21, 2018
	HEM 1.6	Notice of Open Record Hearings	December 3, 2018
	HEM 1.7		
	HEM 1.8		
	HEM 1.9		
	HEM 1.10		
	HEM 1.11		
	HEM 1.12		
	HEM 1.13		
	HEM 1.14		
<b>Hearings Examiner Staff Hearing Exhibit List - December 17, 2018</b>			
<b>HEH 1</b>	HEH 1.1		
	HEH 1.2		
	HEH 1.3		

**BENTON COUNTY PLANNING DEPARTMENT  
CONDITIONAL USE APPLICATION  
FILE NO. CUP 2018-009**



1. Applicant Name Ibelia Avalos  
 Applicant Address: 157801 W OIE Hwy., Prosser  
 Telephone number: Home 509-391-5064 Work \_\_\_\_\_

2. Legal owners name: Ruben and Ibelia Avalos  
 Legal Owners address: 157801 W OIE Hwy., Prosser  
 Telephone number: Home 509-391-5064 Work \_\_\_\_\_

If you wish to be contacted by email please list your email address:  
ibeliaavalos13@gmail.com

3. Parcel Number or Legal description of property for which permit is for:  
104842000003000

4. If you are amending a previous conditional use/special use permit please list the file number(s):  
no

5. The Conditional Use Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.**  
Build a venue for events. The venue will be an enclosed building, parking lot for about 39 cars, and landscaping around the building.

6. The property will be served by:

WATER:	Well <input checked="" type="checkbox"/>	Private System _____	City System _____
SEWER:	Septic Tank <input checked="" type="checkbox"/>	City Sewer _____	
POWER:	PUD <input checked="" type="checkbox"/>	REA _____	
PHONE:	Yes _____	No <input checked="" type="checkbox"/>	Name of Utility _____
GAS:	Yes _____	No <input checked="" type="checkbox"/>	Name of Utility _____
CABLE:	Yes _____	No <input checked="" type="checkbox"/>	Name of Utility _____
IRRIGATION:	Yes <input checked="" type="checkbox"/>	No _____	Name of Utility _____
PRIVATE IRR.	Yes _____	No <input checked="" type="checkbox"/>	

7. Total acres of property: 23.25 Zoning Classification of Property: RL5  
 Comprehensive Plan Designation \_\_\_\_\_

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: well, septic residential dwelling, residence, garage, and shop

9. Describe existing structures and present land uses in the surrounding area of your property:  
Existing structures are residential home, garage, and shop.  
Surrounding area have farm animals and alfalfa.

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- a. Is there a residence on site? Yes  No
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes  No
- c. Does at least one of the proprietors live in said residence? Yes  No
- d. List the number of non-resident employees. 0 - none
- e. What is the **total** square footage of the detached building to be used for the business? 35000 max including storage
- f. What is the **total** square footage that will be used for the business activity? 5000 max including storage
- g. Is only one detached building to be used for the business activity? Yes  No
- h. Are any signs going to be used with the business activity? Yes  No   
If yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. Stand alone sign 4 x 8
- i. State the number of vehicles marked to identify the business to be stored on site.  
0 - none
- j. List the number of off street parking spots ~~0 - none~~ no more than 39 spots
- k. What County Road does the site access off of? W O.I.E. Hwy
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week By appointment only  
Hours of Operation Monday - Sunday 9am - 10pm

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

I'm still working on getting quotes for building and will adjust.

**Any information submitted to the Benton County Planning Department 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.**

**Signature Block for individuals only.**

I certify that the information given above is true and complete.

Ylluvia J. Santos  
Applicant's Signature

Ibelia Avalos  
Print Name

11/16/18  
Date

Ruben Avalos  
Signature of Legal Owners

Ruben Avalos  
Print Name

11/16/18  
Date

\_\_\_\_\_  
Signature of Person with additional ownership interest

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**If the applicant or legal owner is a corporation/partnership/LLC etc. please use the following signature block. Please copy this page if there is more than one corporation/partnership/LLC signature required.**

Applicant or Legal Owner: \_\_\_\_\_

By: \_\_\_\_\_  
(print name) (Title)

Signature: \_\_\_\_\_  
(Signature) (Title)

The above signed officer of \_\_\_\_\_ (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit \_\_\_\_\_ to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

**(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)**

**Note:** The Conditional Use/Special Permit Application fee of \$630.00 and the \$300.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

**FOR OFFICIAL USE ONLY:**  
Critical Area Review Completed by: \_\_\_\_\_ on \_\_\_\_\_.  
Application approved for processing by \_\_\_\_\_ on \_\_\_\_\_.  
Zoning \_\_\_\_\_ Comp Plan Designation \_\_\_\_\_.

Ibelia Avalos  
157801 W. OIE Hwy.  
Prosser, WA 99350

November 9<sup>th</sup>, 2018

Benton County Planning Department  
Attn: Jerrod MacPherson  
PO Box 910  
Prosser, WA 99350

Hello,

My name is Ibelia Avalos. My husband and I are submitting a Conditional Use Permit for a venue business on our property on 157801 W. OIE Hwy. in Prosser. My goal was always to buy land and build my own venue to host events to expand my business. Besides my teaching job, I also have a small business that includes decorating for weddings, quinceañera (sweet 15) and big events. I also would help clients with coordinating their event. I have established relationships with many vendors. I have been in the wedding, quinceañera, and event business for about 5 to six years. I started with working for my family and friends, until the referrals came in for other clients. I enjoy working with clients by decorating their event or other services. Having the summer off gives me the flexibility to have my small business.

Our goal is to make the venue very private and not disturb our neighbors. We care and value the privacy of our neighbors. Therefore, we wanted to make sure we had enough land to build the venue and enough space between our neighbors. We bought 23.25 acres of land. For landscaping, I plan on using tree shrubs as a fence line enclosing the venue building in order to reduce any potential noise. The type of tree shrubs that will be used are called arborvitae or leyland cypress trees. Other trees and/or plants will also be included in the landscaping for décor and to reduce noise. The venue will be an enclosed building and there will be no music outside the building. All music including DJ and/or live band will be inside the building. All big events, like weddings, quinceañera, or events having music (that is amplified) will only be allowed on either Friday or Saturday. Sundays will be considered if it lands on a holiday weekend or a special request and might include some restrictions. Smaller events like birthday parties, reunions, or other celebrations will be allowed during the week as long as there is no amplified music. Events during the week are not guaranteed because most events happen during the weekend.

The building will be a monitor barn building. Depending on the bids and the entire project, the size of the building will be added on with time. We might have to start with the building size at about 3,500 square feet, but this will not be determined until we have all the bids. The bids include building cost, landscaping cost, septic system, and additional permits. The max size will be 5,000 square feet with the additions. The additional building structures would include a storage area for the tables, chairs and my decoration items. I would also like to include a kitchen area to serve food. There will not be a stove to cook food, but there will be a sink and

refrigerators. The plan is to also have a covered plaza for guests to sit and enjoy the outside scenery. Bathrooms inside the building is a priority. There will be restrooms for women, men and handicap restroom included. To begin the business, I would like to invest most of my money into the landscaping in order to create a private venue the enclosing the venue with the tree shrubs to minimize noise.

I have reached out to the Health Department and spoke to James about a septic system for the venue. It's recommended to have a public system, but I will confirm once the Conditional Use Permit hearing has been completed. I have contacted Shawn Brown on 11/8/2018 to confirm any requirements that I need to follow in order for the venue to be useable for the public. I left a message to call me back. I have also spoke with Ken Williams at the Fire Department on 10/19/2018 regarding if the building would require any fire sprinklers. Rod Worthington is the Plans Examiner and would be the person to determine whether it would be required. Rod stated that he would need to see at least a floor plan indicating the use of the various areas in the building before determining if sprinklers would be required. I responded by letting him know that when I had them I would contact him back. I have been contacting different contractors to get bids, but haven't made a committed until the hearing for the Conditional Use Permit. Also, floor plans cost money.

Guest utilizing the facility will have to bring their own cater for food or use the recommended vendors. As part of the venue business, catering will not be provided to guest. Alcohol being allowed during operation hours will have restrictions. An alcohol permit will be required in order to have any alcohol during the event. With the alcohol permit, security will be required and it will be a security company that is required by our request. If the event will host 100 people, the client will be required to have one security during the entire time of the event. If the event will host 200 people, 2 securities will be required during the entire time of the event.

As far as increasing traffic due to the venue, W. OIE Highway already is a busy road and I don't see it increasing as a result from the venue. The exception of increase traffic might be on the day of the event because people are arriving to the location. All parking for the event will be on our property and there will not be any overflow parking. The parking will be for 39 cars, the max.

Other requirement that the venue business will have is that clients will have to sign a contract with an outline of expectations when utilizing the venue for an event. This agreement will allow myself (the owner) the right to refuse or cancel the event if the expectations or requirements are not met by the clients. This would also include, cancelling the event on the day scheduled due to breaking the contract. The contract will include the max capacity in the building, noise controlled expectation, and alcohol use expectations including security requirement.

I have taken a step further by talking to my neighbors or notifying them about our plans with the Conditional Use Permit. My husband and I were only able to talk to in person with two of our neighbors. We spoke with Mrs. Peterson and Mr. Medley. So far, the only concern that was brought up by Mrs. Peterson was the potential noise. We talked about how the music was going to be inside the building. She also mentioned about a venue located in Keneewick, WA called Bella Fiori Gardens where the neighbors are really close to the venue. The neighbors are content with the venue's business activity and have no concerns. I stated that I did know the place and

they have the tree shrubs surrounding the venue, just like how we want to do here on our property. I also mentioned to her about there is noise controlled decibels that can't be exceeded. At the time, I couldn't remember the amount, but I do know it can't exceed 65 decibels. My other close neighbors that we weren't able to talk to in person, I wrote a letter explaining that we are submitting a Conditional Use Permit. I briefly addressed how we would landscape the property to reduce the noise and the music would be inside the building. I also left a copy of the site plan with the tree shrubs drawn showing our plan. I let my neighbors know that if they had any questions or wanted to more details, they are welcome to ask. My husband spoke with Tim Medley and he only made positive comments about the venue. He also stated that we had plenty of land to conduct the venue business.

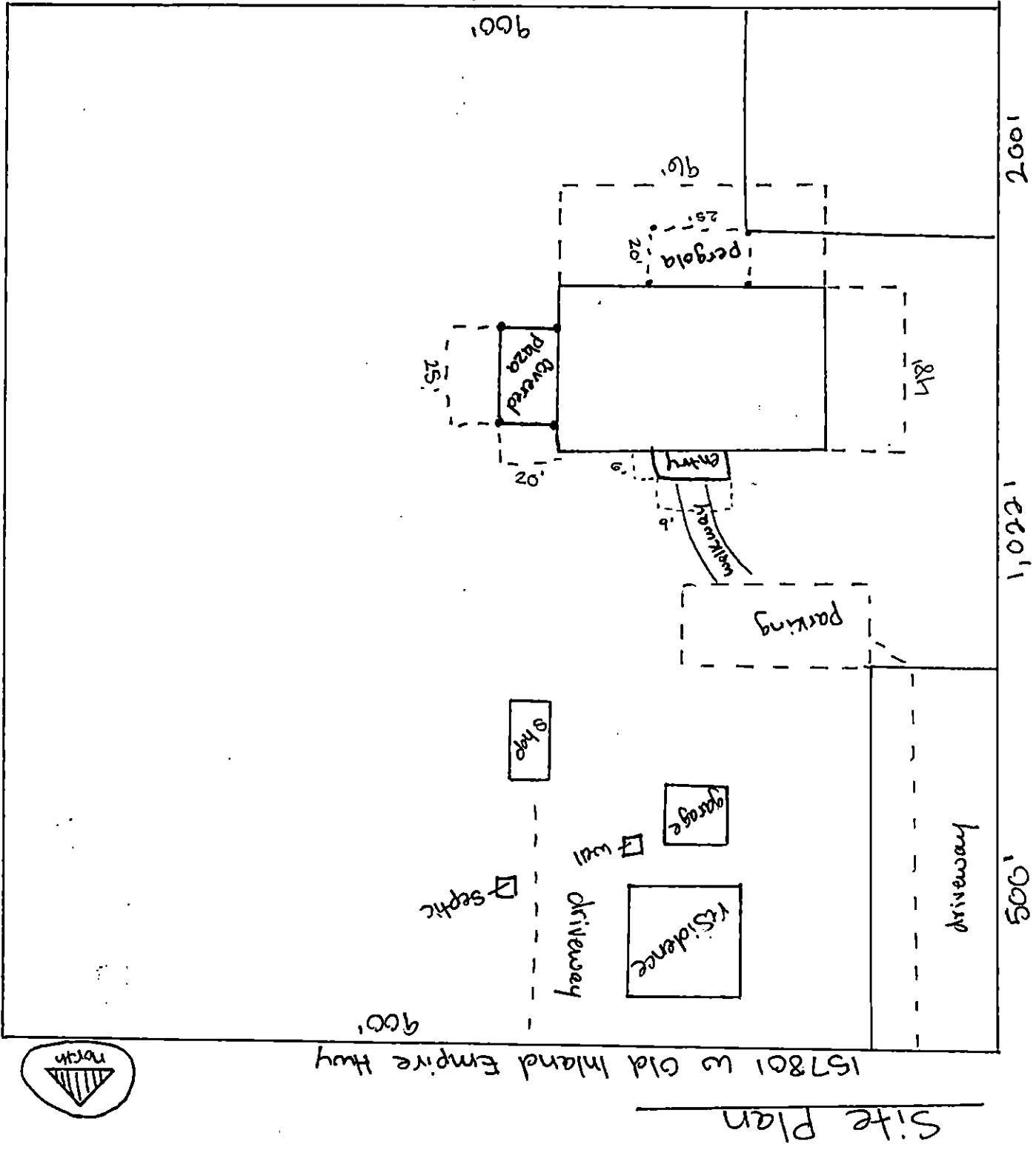
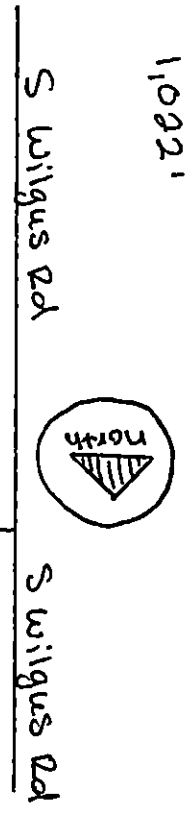
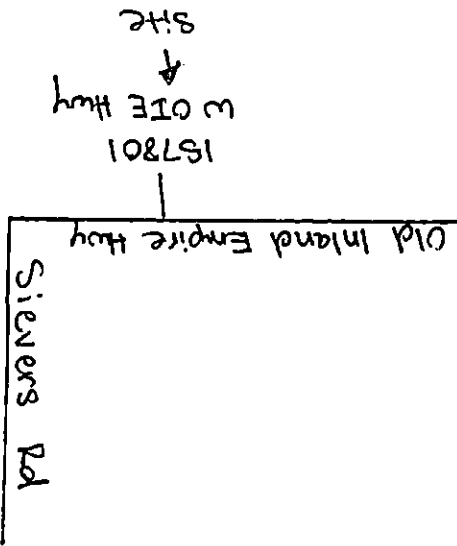
The reason why I think having a venue business will be successful is mainly because I have been in the event business industry for a few years. The clients that I have worked with are individuals that comply with the expectations of a venue. Their goal is to have a nice, fun, and peaceful event. They are trying to create beautiful memories of their event. My theory and what I tell my clients is that they spend so much money for a one day event, why would they want anything to ruin that day? Whatever decisions they need to make to ensure that everything goes smoothly is important to consider. An event is to create wonderful everlasting memories. Also, my husband and I are making a huge investment for our family. We will work hard and make sure we comply with all the regulations, requirements and expectation of the county in order to keep the business running. I have been conducting reach and contacting the Benton County Planning Department for a couple of months now in order to meet any requirements to run a venue.

If you have any additional questions or concerns, please let me know.

Sincerely,

Ibelia Avalos

Vicinity map



November 2018

Hello,

My name is Ibelia Avalos and my husband with three children have moved into the neighborhood. We live on 157801 W. OIE Hwy. I came by to meet you and introduce myself. I grew up in Prosser and graduated from Prosser as well. I have always loved living out in the country, since I grew up having a few acres. Prosser is a very friendly and beautiful town to live in. My husband and I decided to sell our house to buy a place out in the country. That's how we ended up with buying our current house.

Besides my teaching job, I also have a small business that includes decorating for weddings, quinceaneras (sweet 15) and big events. My goal was always to buy land and build my own venue to host events; growing my business.

I wanted to inform you that we will be submitting a Conditional Use Permit to the Benton County in November. Our goal is to make the venue very private that it will not disturb our neighbors. We care and value your privacy. I have attached a copy of the site plan that I will be submitting, but I included a little more detail with the landscaping idea. I plan on using shrubs as a fence line and at the same time trying to minimize noise. Other trees and/or plants will also be included in the landscaping. The venue will be an enclosed building.

If you have any questions about the layout or additional details, please let me know.

Sincerely,

Ibelia Avalos

## April Brown

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**From:** Ken Williams  
**Sent:** Thursday, November 15, 2018 10:04 AM  
**To:** Planning Department; Michelle Johnson; ibeliaavalos13@gmail.com  
**Cc:** Seth Johnson (sjohnson@westbentonfirerescue.org)  
**Subject:** CUP2018-009 Avalos.docx  
**Attachments:** CUP2018-009 Avalos.docx

Fire Marshal's comments for Ibelia Avalos proposed Event Center.



**Benton County Fire Marshal's  
Review of Proposed Planning Applications**

**TO: BC Planning Department**

**CUP 2018-009**

**Date Received 11-14-18 Date Returned 11-15-18**



**Comments:** Ibelia Avalos 157801 W. OIE Hwy, Prosser, 391-5064, email [ibeliaavalos13@gmail.com](mailto:ibeliaavalos13@gmail.com)  
Proposes to build an event center, up to 5,000 sq. ft on parcel 1-0484-200-0003-000. The application states the maximum occupant load anticipated is 200.

**Fire Marshal's Comments:**

1. Depending on the Building Department's occupancy classification the building may be required to have a fire sprinkler system.
2. Commercial buildings over 2,500 sq.ft are required to provide onsite firefighting water. Though the final construction documents have not been submitted, a sample fire flow worksheet has been completed for 5,000 sq.ft, wood frame building, and is on page 2. Based on the preceding construction information the sample fire flow worksheet determined a firefighting water supply of 31,500 gallons. This value may be reduced if the type of construction changes to a less combustible construction and if a sprinkler system is installed.
3. The location of the firefighting water supply will be determined by Fire Chief Seth Johnson.



The initial fire flow does not consider the ice depth nor the position of strainer. To determine the final required fire flow requires knowing the pond/pool size. **First** put in the building information. Then determine the occupancy (yellow tab), construction, and exposure values. The creates the required fire flow (blue). **Second** determine the pool's volume. To do this requires knowing the pool/pond diameter and depth. If buying a pool, make sure the pool volume allows for 4" of ice and there must be 1ft of water below and above the strainer. If designing the pool/pond, this will be a trail error endeavor. In the first box greend diameter box, put in the desired diameter. The value will automatically appear in all diameter boxes. Enter the depth (for aboveground pools, it will generally be either 4' or 5') . The pool's gallonage will appear in the far right box.

**NFPA 1142 Water Supplies for Suburban & Rural Fire Fighting - Version II, Nov 2, 2015**

Sample fire flow for Avalos Event Center

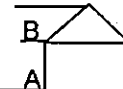
CUP 2018-009

Date: 11-18-18

Building Size:				
Width	Length	Sq. Feet	Height*	Bldg Volume
		5,000	21	105,000
		0		0
		0		0
<b>Total Volume</b>				<b>105,000</b>

\* The height of buildings with gabled roofs is determined by adding half the distance from the peak to the eave line to the exterior wall height.

Height = A + 1/2B



**Minimum Water Supply (Gallons Required) = Vol/Occ Class x Const Class x Exposures**

Bldg Volume	Occ. Haz**	Const** Type	Exposure***	Required fire flow
105,000	5	1.5	1	31,500

As a Sprinklered Building, Required Gallons Would Be

Comb. Const	Non Comb
23,625	15,750

**Occupancy Hazard\*\***

3 = Severe Hazard Occ	6 = Low Hazard Occ
4 = High Hazard Occ	7 = Light Hazard Occ
5 = Moderate Hazard Occ	

\*\*\*The number one indicates no building(s) within 50'. Had there been, the 1 would have been replaced with 1.5.

**Replacing the various values effects the initial fire flow figure.**

**Type of Construction\*\***

.5 = IBC Type I	Non Combustible
.75 = IBC Type II	Construction
1 = IBC Type III & IV	Combustible
1.5 = IBC Type V	Construction

Example Rectangle Pool W x L x D x 7.48 gals/cuft = Vol of water

Width	Length	Depth	Volume
10.5	10	10	7,854
Ice=.25'	Suc=2ft	Vol incl ice and suc and must > Req fire flow	
26.25	210		<b>8,090</b>

November 16, 2018

Benton County Planning Department  
P.O. Box 910  
Prosser, WA 99350

Re: File No.: **CUP 2018-009**  
Parcel: **1-0484-200-0003-000**  
Applicant: **Ibelia Avalos**



To whom it may concern:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comment:

SVID does not have any facilities within the parcel for development.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please contact Diane Weber at (509) 837-6980 or [weberd@svid.org](mailto:weberd@svid.org).

Sincerely,

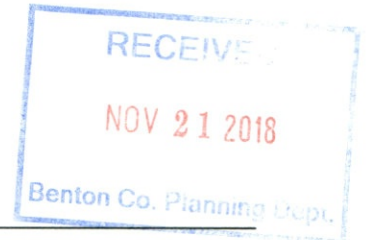


Ron Cowin, P.E.  
Assistant Manager – Engineering  
Sunnyside Valley Irrigation District



**BENTON COUNTY WA**  
**PUBLIC WORKS DEPARTMENT**

TO: PLANNING DEPARTMENT  
FROM: MATT RASMUSSEN, COUNTY ENGINEER  
DATE: NOVEMBER 19, 2018  
SUBJECT: CUP 2018-009



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The Benton County Road Department has the following comments for Conditional Use Permit number 2018-009

- The applicant shall obtain a traffic impact study to determine the appropriate amount of off street parking (based on size and use) as well as any impacts to Old Inland Empire Highway. Report shall recommend improvements to the property and/or County road system to mitigate impacts. Improvements to be considered shall include but not be limited to; multiple access points, wider driveways and/or turning radii, right turn and/or left turn pockets on Old Inland Empire Highway, shoulder widening, lane widening, ect.

The study shall use the following as guidance:

- No on street parking for the event center will be permitted on Old Inland Empire Highway or in County right of way.
- Traffic shall not be permitted to back up onto the public roadway
- Appropriate vision triangles for any entrance or exit from the site shall be maintained by property owner.

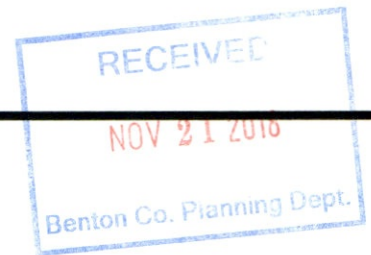
The study shall be prepared by a qualified traffic engineer licensed to practice Engineering in the State of Washington. The report shall be delivered to the Benton County Road Department for review at which point specific development requirements will be issued based on the results of the study.

- All driveways for the site (existing or proposed) shall be constructed and/or upgraded to meet current Benton County driveway standards. Applicant shall separately apply for a Road Approach Permit and complete the necessary improvements in accordance with the Benton County Road Approach Policy. All approaches to this property shall be paved within the County right of way.

**April Brown**

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**From:** Shawn Brown <shawnb@bfhd.wa.gov>  
**Sent:** Wednesday, November 21, 2018 12:03 PM  
**To:** Planning Department  
**Cc:** Justin Gerber  
**Subject:** Conditional Use Permit Application request for agency review (CUP 2018-009)



Good Morning:

After reviewing the proposal this office has the following comments:

1. A septic system application must be submitted to this office. The commercial building must be served by an on-site sewage disposal system that has been permitted, inspected, and approved by this office. As part of this process, the applicant will be required to prove that sufficient usable land area can be qualified for the existing residence and the proposed commercial building. This is attempted through the digging of test holes and subsequent evaluation of soil depth, etc. After reviewing test hole data gathered prior to the installation of the septic system that serves the home, the information indicates that this property has a very shallow Basalt shelf and Ground Water table. Achieving the Usable Land Area required for this proposal may not be possible.
2. The existing well located on this property will need to go through the process of approval to become a Public Water Supply, prior to the well being allowed to service the commercial building. The applicants will need to submit the appropriate application to this office to begin this process.
3. A Food Permit will be required for this proposal. The applicants will need to go through the process of applying for a food permit and the subsequent review process. Please contact Justin Gerber at 509-460-4330 for additional information.

If you have any questions please let me know, thank you.



**Shawn Brown**  
RS

**Benton-Franklin Health District**  
7102 W. Okanogan Place,  
Kennewick, WA 99336  
p: 509.460.4320  
[www.bfhd.wa.gov](http://www.bfhd.wa.gov) [ShawnB@bfhd.wa.gov](mailto:ShawnB@bfhd.wa.gov)  
Follow us on  

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**From:** Rick Dawson  
**Sent:** Thursday, November 15, 2018 7:14 AM  
**To:** Shawn Brown; Justin Gerber  
**Subject:** FW: Conditional Use Permit Application request for agency review (CUP 2018-009)

Comment please

**James R.(Rick) Dawson**  
Sr. Manager – Surveillance & Investigation

**Benton-Franklin Health District**

7102 W. Okanogan Place,

Kennewick, WA 99336

p: 509.460.4313

f: 509.585.1537

[www.bfhd.wa.gov](http://www.bfhd.wa.gov) [rickd@bfhd.wa.gov](mailto:rickd@bfhd.wa.gov)



Follow us on   

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**From:** Planning Department [mailto:Planning.Department@co.benton.wa.us]

**Sent:** Wednesday, November 14, 2018 4:21 PM

**To:** Dale Wilson; Rick Dawson; Fire District #3 - Seth; Mathew Clarke; Tavis Hatfield; Jenelle Schadler; Ken Williams; Michelle Johnson; Rod Worthington; Steve Brown; Troy Taylor; Benton PUD - Brenda Webb; Benton PUD - Chad Brooks; Benton PUD - Roxanne Weller ; Benton PUD - Shanna Everson; Benton PUD - Tina Archey ; Benton PUD Jeff Vosahlo; Benton PUD-Mike Irving; Rigo Diosdado (diosdador@svid.org); Sunnyside Valley Irrigation Dist. - Diane Weber; Sunnyside Valley Irrigation Dist. - Ron Cowin

**Subject:** Conditional Use Permit Application request for agency review (CUP 2018-009)

Attached please find a Conditional Use Permit application. The applicant is asking to build and operate an event center/venue at 157801 West OIE in Prosser.

Please review the application and send any comments back to our office no later than November 21, 2018.

If you have any questions, please don't hesitate to ask.

Thank you!



April Brown,  
Office Assistant III  
Benton County Planning Department  
PO Box 910 Prosser WA 99350  
(509) 786-5612  
[Website](#)

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**Planning Department**  
P.O. Box 910  
1002 Dudley Avenue  
Prosser, WA 99350



Phone (509) 786-5612  
Fax (509) 786-5629  
planning.department@co.benton.wa.us  
co.benton.wa.us

## NOTICE OF OPEN RECORD HEARINGS

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

### **CUP 2018-009**

Applicant: Ibelia Avalos

Proposal: Operate an event venue for weddings, birthdays, etc. within a newly constructed building located at 157801 West Old Inland Empire Hwy in Section 04, Township 08 North, Range 24 East, W.W. The date of the written determination of completeness on this action is November 13, 2018

**NOTICE IS GIVEN** that said application will be considered by the Benton County Hearings Examiner at the public hearing on Monday, December 17, 2018 at 10:00 a.m. in the Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA 99350. All concerned persons may appear and present any support for or objections to the application or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. More information concerning this action can be obtained by contacting Clark A. Posey, Assistant Planning Manager at the Benton County Planning Department, 1002 Dudley Avenue, P.O. Box 910, Prosser, WA 99350, (509) 786-5612. Any information submitted to Benton County is subject to the 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. If you plan on attending the hearing, it is suggested that you call the Benton County Planning Department by 8:30 a.m. the morning of the hearing to confirm that the hearing will be conducted as scheduled.

It is Benton County's policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities or be subjected to discrimination. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please download and submit the Request for Reasonable Accommodation Form 48 hours prior to the date of the meeting. The form is located on the Benton County website (<https://tinyurl.com/RRAform>) or you may contact the Benton County Planning Department for assistance.

Dated this December 3, 2018

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

CLARK A. POSEY, Assistant Planning Manager  
Benton County Planning Department

A handwritten signature in blue ink, appearing to read "Clark", is written over the name of Clark A. Posey.

PUBLISH: December 6, 2018