

To: Benton County Planning Commission
From: James Wright, Planning Division
Date: 04/7/2026
Subject: Supplemental Staff Memorandum – Applicant Rebuttal
Files: LU-25-066 & LU-25-067

1. PURPOSE

This memorandum responds to the applicant's rebuttal testimony dated March 31, 2026. It clarifies staff's application of the approval criteria, addresses specific items raised by the applicant, and confirms staff's findings based on the existing record. No new evidence has been introduced.

2. UPDATED APPLICATION SCOPE

The applicant has revised the proposal to eliminate Phase II and is now requesting approval of Phase I only. Staff have reviewed this modification. The original staff report evaluated the proposal in a manner that allows each phase to be considered independently. As a result, the analysis and findings remain applicable to the revised request.

Although the overall scale of development has been reduced; the nature of the use, site conditions, and relationship to surrounding infrastructure remain the same. Staff find that the original conclusions continue to apply.

3. RESPONSE TO APPLICANT REBUTTAL

A. Transportation Impacts and Roadway Improvements

The applicant claims that required roadway improvements are not attributable to Phase I, but instead address pre-existing deficiencies on NW Powers Avenue.

Staff acknowledges that the roadway does not currently meet County standards. However, the applicable criterion requires evaluation of whether the proposed use places an undue burden on transportation facilities.

Staff's analysis considers how the proposed use interacts with existing conditions. The proposal introduces:

- Concentrated traffic during scheduled events
- Increased interaction between vehicles, pedestrians, and bicyclists
- A pattern of use that differs from existing residential traffic

Even at Phase I, the proposal represents a change in both the intensity and type of traffic on the roadway.

As documented by Public Works, NW Powers Avenue has substandard lane widths, limited shoulder capacity, and constrained conditions for multimodal use. Staff finds that the proposed development would exacerbate these limitations.

The recommended improvements are therefore intended to address the impact of the proposed use on an already constrained facility, not to correct unrelated deficiencies.

B. Nexus and Proportionality

The applicant contends that the required roadway improvements do not meet nexus and proportionality standards.

Staff finds the proposed use will generate increased traffic during peak periods, require safe and reliable site access, and introduce potential conflicts between vehicles and non-motorized users. The recommended conditions directly address these impacts by requiring improvements to the roadway segment serving the subject property.

While some improvements extend beyond the immediate frontage, they are limited to what is necessary to ensure safe ingress and egress and to accommodate site-generated traffic along Powers Ave NW. The scope work is confined to the area affected by the development.

Staff further finds the conditions are proportional. The County is not requiring full upgrades to a minor collector or other system-wide improvements that would exceed the impacts of the use. Instead, the conditions reflect a targeted, hybrid approach that addresses the development's impacts without overreach or requiring development of Powers Avenue NW to a higher road classification.

Staff finds the conditions demonstrate a clear nexus to the proposed use and are proportional in scope.

C. Applicability of Transportation Standards

The applicant states that certain analyses and design approaches referenced by staff are not explicitly required by code.

Staff's review is grounded in the applicable approval criteria, which require evaluation of transportation capacity and safety. The code also authorizes conditions of approval to mitigate impacts and ensure compliance (BCC 53.220).

In applying these standards, staff relies on:

- The County Transportation System Plan
- Engineering input from Public Works
- Site-specific safety considerations

Where the record demonstrates that a roadway cannot safely accommodate the proposed use, the County has the ability to require improvements necessary to address those impacts.

D. Traffic Analysis

The applicant relies on trip generation estimates to demonstrate limited impact.

Staff acknowledges this analysis but notes that review is not limited to trip counts alone. Staff also considers

- Timing and concentration of trips
- The nature of the use (assembly use versus residential)
- Existing roadway constraints

The key issue is how traffic associated with the proposal functions within an already substandard roadway environment. The record supports the conclusion that improvements are necessary to ensure safe operation.

E. Religious Land Use

The applicant references protections applicable to religious land uses. Staff acknowledges that places of worship may be permitted in the Rural Residential zone through the Conditional Use Permit (CUP) process.

The County's review of a CUP application applies neutral and generally applicable standards set forth in Ben County Code Chapter 63.205. These standards apply uniformly to all conditional uses within the zone, including but not limited to schools, daycare centers, fire stations, commercial kennels, and other non-profit community facilities.

The recommended conditions of approval are based solely on the physical impacts of the proposed development, such as traffic, noise, and site design considerations, and are not related to or based upon the religious nature of the use.

F. Environmental Considerations

The applicant raises concerns about potential environmental impacts from roadway improvements.

Any required improvements will be subject to applicable state and federal permitting requirements. The need for additional permits does not eliminate the requirement to mitigate development impacts on-site or off-site.

G. Public Testimony

Public testimony identified concerns related to traffic, safety, rural character, environmental impacts, and project scale.

These issues are addressed in the staff report under the applicable criteria.

4. PARKING VARIANCE

The applicant has withdrawn the parking variance (LU-25-066). The Planning Commission should not consider that request. The current application is limited to the Conditional Use Permit (LU-25-067).

5. CONCLUSION

Staff has reviewed the applicant's rebuttal and finds that it does not alter the analysis or conclusions in the staff report.

Phase I of the proposal satisfies the applicable approval criteria, subject to the recommended conditions, including roadway improvements.

Staff continues to recommend approval of LU-25-067, subject to the conditions of approval in the staff report.