

**EXHIBIT LIST FOR CUP 2021-003  
Pischel**

<b>Hearings Examiner Staff Memo Exhibit List - April 19, 2021</b>			
<b>HEM</b>	HEM 1.1	Staff Memo	
	HEM 1.2	Application Materials	February 19, 2021
	HEM 1.3	Written Determination of Completeness	February 23, 2021
	HEM 1.4	Agency review request	February 24, 2021
	HEM 1.5	Comment from Benton PUD	February 25, 2021
	HEM 1.6	Comment from Benton County Public Works	February 25, 2021
	HEM 1.7	Notice of Open Record Hearing	April 1, 2021
	HEM 1.8		
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<b>Exhibits Submitted During Hearing or while record remained open</b>			
<b>HEH</b>	HEH 1.1		
	HEH 1.2		
	HEH 1.3		
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	HEH 1.9		
	HEH 1.10		

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



**Planning Division**

(509) 786-5612  
P.O. Box 910, Prosser, WA 99350  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Pischel: Detached Accessory Dwelling Unit**

**HEM 1.1**

**FILE NO:** CUP 2021-003

**HEARING DATE:** April 19, 2021

**APPLICANT / OWNER:** Tyson Pischel, 101301 Ridgeview Dr, Kennewick, WA 99338

**LOCATION:** General Location: The property is located approximately 1 ½ miles west of the intersection of Leslie Road and E. Reata Road, west of S. Toro Pl. in Kennewick  
Address: 95606 E 89 PR SE, Kennewick, WA 99338  
Legal: Short Plat # 1295, Lot 1  
Parcel Number: 1-1088-201-1295-001

**PROPERTY SIZE:** Approximately 2.80 acres

**AREA TO BE USED:** Not to exceed 800 square feet

**LAND USE:** Residential

**ZONING:** Rural Lands One-Acre District (RL-1)

**COMPREHENSIVE PLAN DESIGNATION:** Rural Transition

**RECOMMENDATION:**

The Planning Division recommends approval of the application request, subject to the suggested 19 Findings of Fact and 9 Conditions of Approval outlined in this Staff Report.

**APPLICATION DESCRIPTION:**

The applicant is requesting a Conditional Use Permit for an existing 798 sq. ft. dwelling unit (the proposed Accessory Dwelling Unit) with a 240 sq. ft. covered porch located in an existing 3,200 sq. ft. accessory building in order to build a proposed single-family dwelling at 95606 E 89 PR SE, Kennewick, WA 99338.

The property is approximately 2.80 acres in size and is zoned Rural Lands 1 Acre District (RL-1).

The proposed detached ADU will be accessory to an owner-occupied single-family home, will be limited to 800 sq. ft. in size based on the size of the main home, and contain no more than one (1) bedroom as directed in the Benton County Code.

The site currently consists of a 3,200 sq. ft. accessory building (40 x 80, detached garage) with a 798 sq. ft. dwelling unit (ADU) and a 240 sq. ft. (12 x 20) covered porch. The applicant is proposing construction of a 3,112 sq. ft. single family dwelling, with a 770 sq. ft. attached garage, to the west of the existing accessory building on the parcel.

**PUBLIC NOTICE:**

1. The application for CUP 2021-003 was submitted to the Benton County Planning Division on February 19, 2021.
2. The application was declared complete for processing on February 23, 2021.
3. The application documents were distributed to reviewing agencies on February 24, 2021.
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2021-003 was published on April 7, 2021 in the Prosser Record Bulletin.
5. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 7, 2021.
6. The Open Record Hearing is scheduled for April 19, 2021.

**APPLICABLE STANDARDS/ORDINANCES:**

1. *Revised Code of Washington*  
RCW 36.70A.390, Accessory Apartments  
Any local government, as defined in RCW 43.63A.215, that is planning under this chapter shall comply with RCW 43.63A.215(3).

RCW 43.63A.215(3)

Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

2. *Benton County Comprehensive Plan*  
3.3.2.3 Rural Land Use Designations  
Rural Transition is designated to areas that are in close proximity to UGAs and have experienced steady growth in the last decade. The intent of the Rural Transition designation is to enable rural residential living in conjunction with providing a transition area between the rural and urban environments, and potentially suitable for future inclusion into UGAs. Maximum allowable density in this land use category is one dwelling unit per acre.

*Benton County Comprehensive Plan*  
Section 2.7 Housing

HE Goal 1: Provide for a variety of residential uses and densities consistent with the rural character and lifestyles and a choice of housing types for people of all income levels.

Policy 7: Consider accessory dwelling units as an affordable housing option and look for flexible and innovative ways of integrating accessory dwelling units into single family residential zones.

Section 6.4.2 Housing Types

Accessory Dwelling Units. The zoning code permits the establishment of additional living quarters

within single family residences to permit persons who, due to a disability or an infirmity, require the assistance of friends, relatives, or a professional nurse to remain in their home and for persons related to the occupant. These units help meet the needs of the disabled, infirm, or elderly in need of assisted care and are currently allowed by ordinance in all residential zones and the agricultural zoning district of Benton County.

3. *Benton County Code*, Chapter 11.03 Definitions.

11.03.010 DEFINITIONS.

- (2) "Accessory Dwelling Unit" an additional room or set of rooms located within a single family structure and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household and not exceeding 800 square feet in area.

4. *Benton County Code*, Chapter 11.42 General Use Regulations

11.42.020 ACCESSORY DWELLING UNITS (ADU). An accessory dwelling unit shall be allowed on any real property located within unincorporated Benton County that is zoned for single family residences, except for those properties with an Industrial or Commercial zoning designation, thereby meeting the requirements of the Washington State Housing Policy Act of 1993 to incorporate provisions for accessory apartments in the County's zoning ordinance (Title 11 BCC).

- (a) All accessory dwelling units authorized herein shall meet the following minimum criteria:
  - (1) One (1) accessory dwelling unit is allowed per parcel/lot.
  - (2) A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.
  - (3) The accessory dwelling unit shall not exceed 40% of the total square footage of the single-family home or 800 square feet in size, whichever is smallest.
  - (4) The accessory dwelling unit shall consist of no more than one (1) bedroom.
  - (5) The accessory dwelling unit shall provide two (2) off-street parking spots.
  - (6) An accessory dwelling unit shall be constructed on the site and permanently affixed to the ground by footings and foundation. A recreational vehicle (RV), mobile home, manufactured home, or factory assembled structure is not to be permitted as an accessory dwelling unit.
  - (7) The accessory dwelling unit is not allowed on a lot/parcel that has a duplex, multi-family dwelling, a temporary dwelling permit (see BCC 11.42.110), a multiple detached dwelling permit (see BCC 11.42.080) or two (2) or more single-family dwellings.
  - (8) The accessory dwelling unit is not allowed to be used in the operation of a home occupation.
  - (9) The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.
  - (10) The accessory dwelling unit shall meet and comply with Benton County Fire Marshal requirements for access.
  - (11) The accessory dwelling unit may be permitted as either a ground floor or 2<sup>nd</sup> floor unit.
  - (12) Either the accessory dwelling unit or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow to occupy the landowner(s) unit when absent the rest of the year.
  - (13) If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached and compliance with subsection (c) below is required.

- (14) The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of Benton County Code.
  - (15) The accessory unit shall not be considered as a dwelling unit when calculating density.
- (c) An accessory dwelling unit detached from the single-family dwelling shall comply with the following:
- (1) All detached accessory dwelling units require approval of a conditional use permit (see Chapter 11.50 BCC).
  - (2) A detached accessory dwelling unit shall comply with the following minimum design standards.
    - (i) The detached accessory dwelling unit may be constructed within an existing outbuilding or be a stand along structure, where the dwelling unit does not share a common wall with the primary single-family dwelling. If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached. 11.42.030 11-180 (BCC 12/20/18)
    - (ii) An outside entrance to the accessory dwelling unit is required and be placed at the side or rear of the building, when possible, to maintain appearance and character of an accessory use.

5. *Benton County Code*, Chapter 11.50.040 Conditional Use.

11.50.040 (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 BCC 11.50.050.

Certain uses are classified as conditional uses because of their unusual nature, infrequent occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure, or adjacent properties, and/or possible safety hazards and other similar reasons.

Once granted, a conditional use permit may be transferred by a holder thereof after written notice to the Hearings Examiner; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in Chapter 11.51 BCC.

11.50.040 (d) CONDITIONAL USE PERMIT- 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.

### **AGENCY COMMENTS:**

1. The application documents were distributed to the following reviewing agencies on February 24, 2021.
  - a. Benton County Public Works Department
  - b. Benton-Franklin Health District
  - c. Benton County Fire District 1
  - d. Benton County Building Division
  - e. Benton County Fire Marshal
  - f. Benton County Code Enforcement
  - g. Benton PUD
2. Agency comments were received from:
  - a. Benton County Fire Marshal
  - b. Benton-Franklin Health District
3. The following are general comments and discussion points from the Planning Division:
  - a. The lot is zoned Rural Lands One Acre (RL-1) District.
  - b. The lot is designated Rural Transition by the Benton County Comprehensive Plan.
  - c. Surrounding Land Uses: Similar in nature to the applicant's property, the adjoining properties on three sides have single-family homes with residential accessory uses. The property to west is a 5-acre undeveloped parcel in unincorporated Benton County, currently zoned RL-1.
  - d. SEPA: A proposal for a single ADU is exempt from a State Environmental Policy Act checklist and review.
  - e. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
4. The following comment was received from the Benton County Fire Marshal.
  - a. If the driveway for the new house is designed to exceed 200' (feet), the applicant will need to meet BCC 3.18.045 requirements for driveway and private roads, for grade and surface requirements.
5. The following comment was received from the Benton Franklin Health Department (as part of the application packet).
  - a. The shop/ADU (at the address 95606 E 89 PRSE, Kennewick) septic system was approved on July 15, 2020. The AS BUILT for the property will follow here shortly, at the time the ADU building was approved the placement of the future home was also approved.

## **FINDINGS OF FACT AND CONDITIONS OF APPROVAL:**

The following Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for CUP 2021-003 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

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

### **FINDINGS OF FACT**

#### **The County makes the following Findings of Fact:**

1. The applicant requests a Conditional Use Permit for an existing 798 sq. ft. dwelling unit (Accessory Dwelling Unit - ADU) with a 240 sq. ft. covered porch located in a 3,200 sq. ft. accessory building with a proposed single-family dwelling to be built at 95606 E 89 PR SE, Kennewick, WA 99338.
2. The applicant is Tyson Pischel whose mailing address is 101301 Ridgeview Dr, Kennewick, WA 99338.
3. The owner of the property is Tyson Pischel whose mailing address is 101301 Ridgeview Dr, Kennewick, WA 99338.
4. The property is located at 95606 E 89 PR SE, Kennewick, WA 99338 approximately 1 ½ miles west of the intersection of Leslie Road and E. Reata Road, west of S. Toro Pl. (Parcel Number 1-1088-201-1295-001).
5. The property is approximately 2.80 acres in size and is zoned Rural Lands One-Acre (RL-1) District.
6. The proposed detached ADU will be accessory to a 3,112 sq. ft. owner-occupied single-family home, will be limited to 800 square feet in size, and contain no more than one (1) bedroom as directed in the Benton County Code.
7. The site currently consists of a 3,200 sq. ft. accessory building with a 798 sq. ft. dwelling unit (ADU) and a 240 sq. ft. covered porch. The applicant plans to construct a 3,112 sq. ft. single family home, with a 770 sq. ft. attached garage, to the west of the existing accessory building on the parcel.
8. Public notice and application requirements have been completed for the Conditional Use Permit request as follows:
  - a. The application for CUP 2021-003 was submitted to the Benton County Planning Division on February 19, 2021.
  - b. The application was declared complete for processing on February 23, 2021.
  - c. The application documents were distributed to reviewing agencies on February 24, 2021.
  - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2021-003 was published on April 7, 2021 in the Prosser Record Bulletin.
  - e. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 7, 2021.
  - f. The Open Record Hearing is scheduled for April 19, 2021.
9. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County

Hearings Examiner.

10. The detached ADU must comply with Benton County Building Division standards and requirements, as per the Conditions of Approval.
11. The application for CUP 2021-003 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
12. The application for CUP 2021-003 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
13. The application for CUP 2021-003 is consistent with the goals and policies of the Benton County Comprehensive Plan.
14. The application for CUP 2021-003 is consistent with the requirements included in the Benton County Zoning Code.
15. The application for CUP 2021-003 is consistent with the requirements in Benton County Code (BCC), Title 11 Zoning, Chapter 11.42 General Provisions, Section(s) 11.42.020 (a) Accessory Dwelling Units (ADU), as follows:
  - (1) *One (1) accessory dwelling unit is allowed per parcel/lot.*
    - a. One (1) detached ADU is proposed for the subject property.
  - (2) *A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.*
    - a. A single-family dwelling is located on the parcel/lot where the detached ADU is to be located.
  - (3) *The accessory dwelling unit shall not exceed 40% of the total square footage of the single-family home or 800 square feet in size, whichever is smallest.*
    - a. The proposed single-family dwelling will be approximately 3,112 square feet.
    - b. Forty percent 40% of 3,112 square feet is 1,244 square feet. With this, the detached ADU shall be no greater in size than 800 square feet.
    - c. The applicant is proposing approximately 798 square feet in the application.
  - (4) *The accessory dwelling unit shall consist of no more than one (1) bedroom.*
    - a. The detached ADU will have one (1) bedroom.
  - (5) *The accessory dwelling unit shall provide two (2) off-street parking spots.*
    - a. The applicant is proposing two (2) parking spots to serve the detached ADU.
  - (6) *An accessory dwelling unit shall be constructed on the site and permanently affixed to the ground by footings and foundation. A recreational vehicle (RV), mobile home, manufactured home, or factory assembled structure is not to be permitted as an accessory dwelling unit.*
    - a. The proposal is to construct a single-family dwelling on the site with an existing 798 sq. ft. dwelling unit (ADU) in an accessory building (3,200 sq. ft detached garage).
  - (7) *The accessory dwelling unit is not allowed on a lot/parcel that has a duplex, multi-family dwelling, a temporary dwelling permit (see BCC 11.42.110), a multiple detached dwelling permit (see BCC 11.42.080) or two (2) or more single-family dwellings.*
    - a. The lot/parcel is to be improved with a proposed single-family dwelling and an existing

- detached accessory building.
  - b. No additional dwelling or housing units exist or are proposed.
- (8) *The accessory dwelling unit is not allowed to be used in the operation of a home occupation.*
  - a. A home occupation is not planned nor proposed to be operated in the detached ADU.
- (9) *The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.*
  - a. The detached ADU must comply with BFHD standards as per the Conditions of Approval.
- (10) *The accessory dwelling unit shall meet and comply with Benton County Fire Marshal requirements for access.*
  - a. The detached ADU and proposed single family dwelling comply with Fire Marshal standards.
- (11) *The accessory dwelling unit may be permitted as either a ground floor or 2<sup>nd</sup> floor unit.*
  - a. The detached ADU will be a ground floor unit with a 2<sup>nd</sup> floor loft area.
- (12) *Either the accessory dwelling unit or the single-family dwelling shall be occupied by the landowner(s) as their primary residence. The landowner shall maintain residency in the primary house at least six (6) months out of the year and at no time receive rent for, or otherwise allow anyone to occupy the landowner(s) unit when absent the rest of the year.*
  - a. At the time of application, family member(s) of the owner plan to reside in the ADU and the owner will reside in the proposed single-family dwelling.
- (13) *If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached and compliance with the applicable portions of the Benton County Code for detached ADU's is required.*
  - a. This standard is not applicable to the submitted application.
- (14) *The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of the Benton County Code.*
  - a. The detached ADU complies with Building Division requirements and Fire Marshal requirements.
  - b. The detached ADU complies with the Benton County critical area, shoreline master program, and zoning regulations.
- 16. The application for CUP 2021-003 is consistent with requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.42 General Provisions, Section 11.42.020 (c)(2)(i) which states "The detached ADU may be constructed within an existing outbuilding" or be a stand-alone structure "where the dwelling unit does not share a common wall with the primary single-family dwelling."
  - a. The applicant plans to construct a single-family dwelling detached from the existing 3,200 sq. ft. accessory building with a 798 sq. ft. ADU and 240 sq. ft. covered porch.
- 17. The application for CUP 2021-003 is consistent with requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.42 General Provisions, Section 11.42.020(c)(2)(ii) which states "An outside entrance to the accessory dwelling unit is required and be placed at the side or rear of the building, when possible, to maintain appearance and character of an accessory use."
  - a. The detached ADU is east of the proposed single-family dwelling. The distance from E 89 PR SE as well as the orientation of the home will make the accessory building difficult to see from

the access easement.

- b. The County believes the door layout of the structure is adequate for its location and situation, subject to compliance with the Findings of Fact and Conditions of Approval.
18. The application is consistent with requirements in Benton County Code (BCC), Title 11 Zoning, Chapter 11.42 General Provisions, Section(s) 11.42.020 (d) which states “the applicant shall record the permit issued for the accessory dwelling unit with the Benton County Auditor's office. The recording fee shall be paid by the applicant for the accessory dwelling unit. The permit shall include a statement that the accessory dwelling may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel”.
- a. The County will provide the applicant an ADU agreement/permit to be signed, notarized, and recorded by the applicant with the Benton County Auditor’s office.
19. The application is consistent with the requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.50.040 (d) which state the Findings of Fact the Hearings Examiner must make in order to grant the request.

Specific to this permit application, the County finds:

- a. The proposed detached ADU is compatible with other uses in the surrounding area and is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- b. The proposed detached ADU 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;
- c. The pedestrian and vehicular traffic caused by the proposed detached ADU will not 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;
- d. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- e. The proposed detached ADU will 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.

### **CONDITIONS OF APPROVAL**

#### **Regulatory Conditions of Approval:**

- 1. Either the detached ADU or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow others to occupy the landowner(s) unit when absent the rest of the year.
- 2. One (1) ADU is allowed per parcel/lot.
- 3. The detached ADU shall not exceed 800 square feet in size.
- 4. The detached ADU shall not have more than one (1) bedroom.
- 5. The detached ADU shall be occupied by not more than one (1) household as living accommodations.
- 6. The detached ADU is not allowed to be used in the operation of a home occupation.

7. The detached ADU must be located on the same lot as a single-family dwelling.
8. Two (2) off street parking spaces shall be provided to serve the detached ADU.
9. A duplex, multi-family dwelling, Temporary Dwelling permit, Multiple Detached Dwelling permit, or two (2) or more single-family dwellings are not to be permitted on a lot/parcel with an ADU.

**Conditions of Approval which must be met prior to issuance of Conditional Use Permit:**

If all conditions of approval have not been met and the Planning Division does not issue the Conditional Use Permit within one (1) year from the time the Hearings Examiner has conditionally approved the Conditional Use Permit, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.

1. The County will provide an ADU agreement to the applicant. The applicant shall sign the agreement before a Notary Public and record the document with the Benton County Auditor's Office. The recording fee shall be paid by the applicant. The document will include a statement that the Accessory Dwelling Unit may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.

**Conditions of Approval which must be met and maintained during the life of the Conditional Use:**

1. All required development permits shall be obtained prior to occupancy of the single family dwelling. This includes approval of permits required by the following, as applicable:
  - a. Benton County Building Division; for building permits.
  - b. Benton County Fire Marshal; for fire and safety regulations.
2. Benton Franklin Health District requires all required development permits be obtained and associated improvements completed prior to occupancy of the single family dwelling. Please contact Rebecca Warrington with BFHD at 509-460-4335 for more information.

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



CONDITIONAL USE PERMIT  
APPLICATION

File No. CUP 2021-003

RECEIVED

FEB 19 2021

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

**Applicant/Agent:** Tyson Pischel  
Mailing Address: 101301 Ridgeview Dr City: Kennewick  
State: WA ZIP: 99338 Phone: 509-366-2120 Work: SAME  
Email Address: PQH.Homes@gmail.com  
Signature: Tyson Pischel Date: 5/4/2020

**Property Owner(s)** (if different): SAME  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Phone: \_\_\_\_\_ Work: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: Linda H Pischel Date: 5-4-2020

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

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

ENTITY SIGNATURE BLOCK

If the applicant or legal owner of the property is a corporation, partnership, trust or LLC use the following signature block.

**Applicant/Legal Owner:** \_\_\_\_\_  
Officer name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

THE ABOVE SIGNED OFFICER OF \_\_\_\_\_ (name of entity)

WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT \_\_\_\_\_ (name of applicant) TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

PARCEL INFORMATION <sup>95606</sup>

1. Subject property address: ~~95606~~ E89 PRSE

City: Kennewick State: WA ZIP: 99338

2. Parcel number: 1-1088-201-1295-001 3. Acreage: \_\_\_\_\_

4. Access:  County Road  State Road/Highway  Private Road

5. Utilities: Power:  Benton PUD  Benton REA

Sewer:  Septic Tank  City Sewer: (Provider) \_\_\_\_\_

Water:  Individual Wells  One well serving 2-4 lots  One well serving 5+ lots

Private System (Provider & Address) Badger Mountain Irr District

City System (Provider) \_\_\_\_\_

Gas:  No  Yes: (Provider) \_\_\_\_\_

Cable:  No  Yes: (Provider) Spectrum

Phone:  No  Yes: (Provider) "

Irrigation:  No  Private  District: (Provider) Badger Mountain Irr District

6. Present use of property: Residential

7. What is the proposed use? Residential with one additional Dwelling unit under 800 sq ft.

8. Will only one detached building to be used for the proposed use?  Yes  No

9. Will the project be conducted entirely inside of a building?  Yes  No

If no, explain what outdoor activities would occur: w/out Door patio

10. What is the total area, including storage that will be used? 798

11. Does one of the business proprietors own/lease the property where the proposed business is located?  Yes  No Not a Business Related Request

12. Is there a residence on site?  Yes  No Being Built now.

a) Does one of the proprietors live in the residence on site?  Yes  No when Finished

13. Total number of employees (who do not live on site)? 0

14. Proposed days and hours of operation (including employee hours)? Not For Business.

Days: \_\_\_\_\_ Hours: \_\_\_\_\_

a) Will the operation be seasonal? Months of operation: \_\_\_\_\_

15. Will you have a sign?  Yes  No

If yes, please answer the following and **attach a drawing** of the proposed signage

a) Number of sign(s)? \_\_\_\_\_

b) Height of sign(s)? \_\_\_\_\_

c) Dimensions of sign(s)? \_\_\_\_\_

d) Location of sign(s)? \_\_\_\_\_

e) Will the sign(s) be illuminated?  Yes  No

16. How many vehicles will be labeled to identify the proposed use? 0

17. How many parking spaces will be provided? Existing: 2 Proposed: \_\_\_\_\_ Surface Type: \_\_\_\_\_

18. What is the name of the access road to the property? E 89 P R SE

a) Is the road a:  County Road  State Highway  Private Road

b) Is the road constructed out of:  Pavement  Gravel

19. Is any outdoor lighting proposed?  Yes  No

a) Where will it be located? Porch Lights, Eave Lights

20. Are you proposing any site screening and/or fencing?

Yes (If yes, please show on site plan map)  No

a) What type and where will it be located? \_\_\_\_\_

21. Additional comments or information: We are currently building the 798 # Residence which will be the designated ADU upon approval. At that time we will construct the Primary Residence.

IF FURTHER EXPLANATION IS NEEDED FOR ANY OF THE QUESTIONS PLEASE ATTACH ADDITIONAL PAGES.

(FOR STAFF USE ONLY)

Application Complete:  Y  N

Critical Areas:  N Y: Existing Bldg

Zoning: RL-1

Reviewed by: Peter J Mc Encheta

Date: 2/23/2021

**Planning Department**  
(509) 786-5612  
P.O. Box 910  
Prosser, WA 99350



[www.co.benton.wa.us](http://www.co.benton.wa.us)  
planning.department@co.benton.wa.us  
**Prosser Office:** 620 Market Street, 1<sup>st</sup> Floor  
**Kennewick Office:** 102206 East Wisner Parkway

## CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

File No. CUP 2021-003

Applicant Name: Tyson Pisehel

1. Number of Accessory Dwelling Units currently on the property: 0
2. Is there a single family dwelling currently on the property?  Yes  No
3. What is the square footage of the main home? proposed home is 3112 sqft
4. What is the square footage of the proposed accessory dwelling unit? 798
5. How many bedrooms will be in the Accessory Dwelling Unit? 1
6. Does the landowner currently have any other land use permits? no

Please describe the purpose and reason for the Accessory Dwelling Unit:

use for family

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**Please provide a site plan that includes the following:**

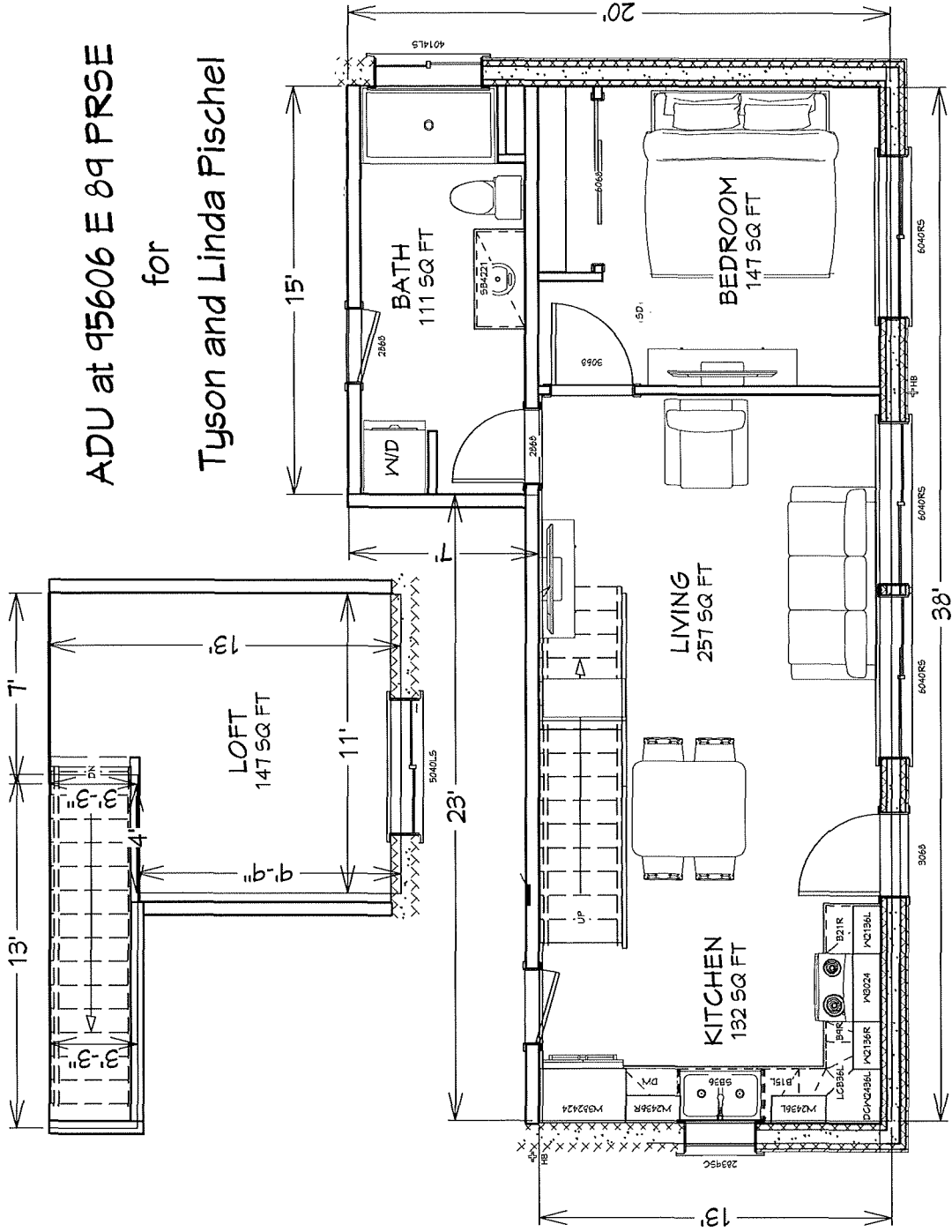
- Outer boundaries and dimensions of the property including access points
- All existing and planned improvements (including accessory buildings, septic, wells, drainfields, etc)
- Location of roads, easements, etc.
- Distance (in feet) from the ADU to the edges of the parcel and to the main house
- Where parking will be for the main home and the ADU
- All entries/exits for the ADU
- Dimensions and use of each room in the ADU

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.

ADU at 95606 E 89 PRSE

for

Tyson and Linda Fischel

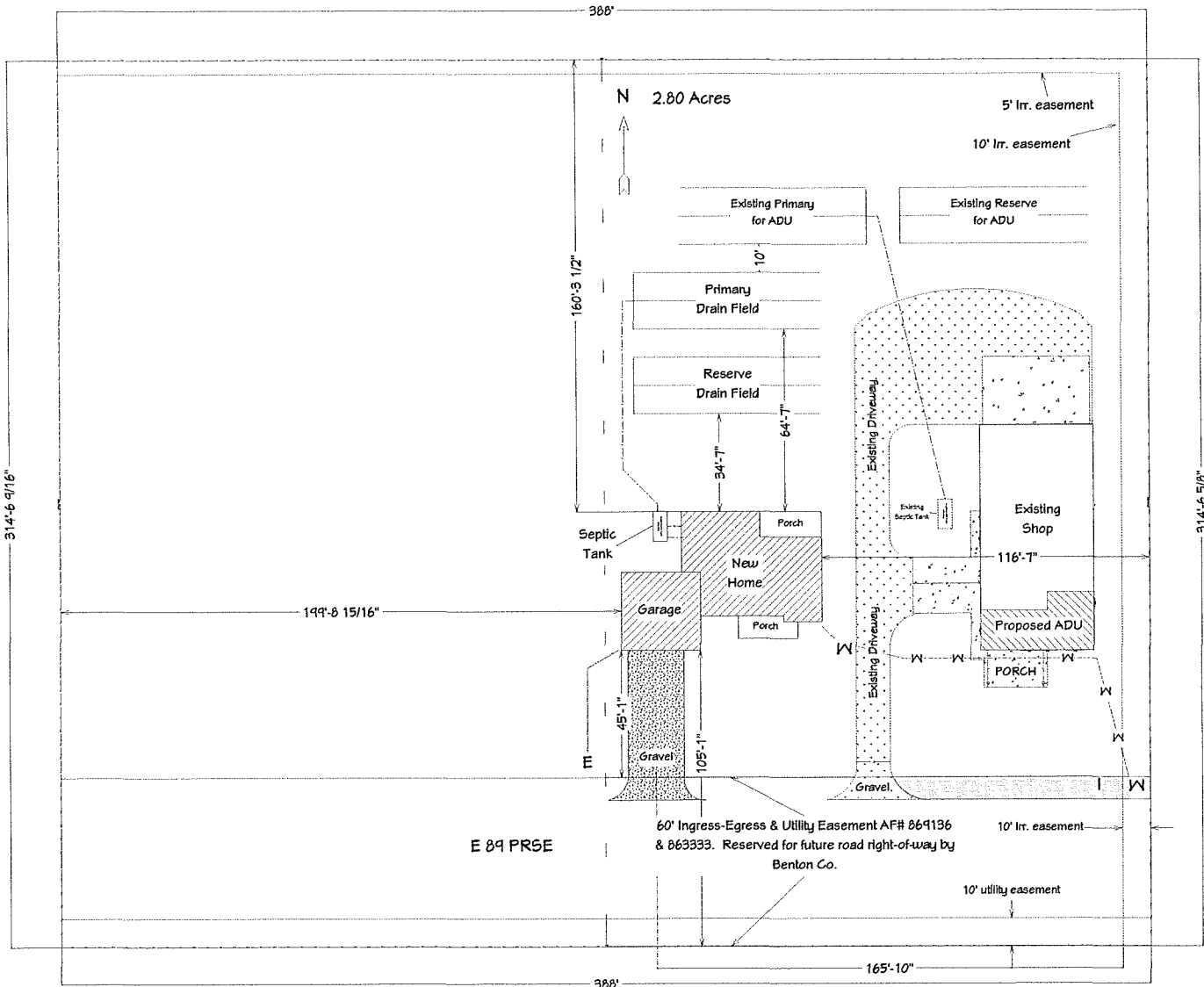


Tax ID # \_1-008-201-1295-001\_

1"=60'

Lot 1 Short Plat 1295

95606 E PR SE, Kennewick  
(propose 2nd address w/ADU)

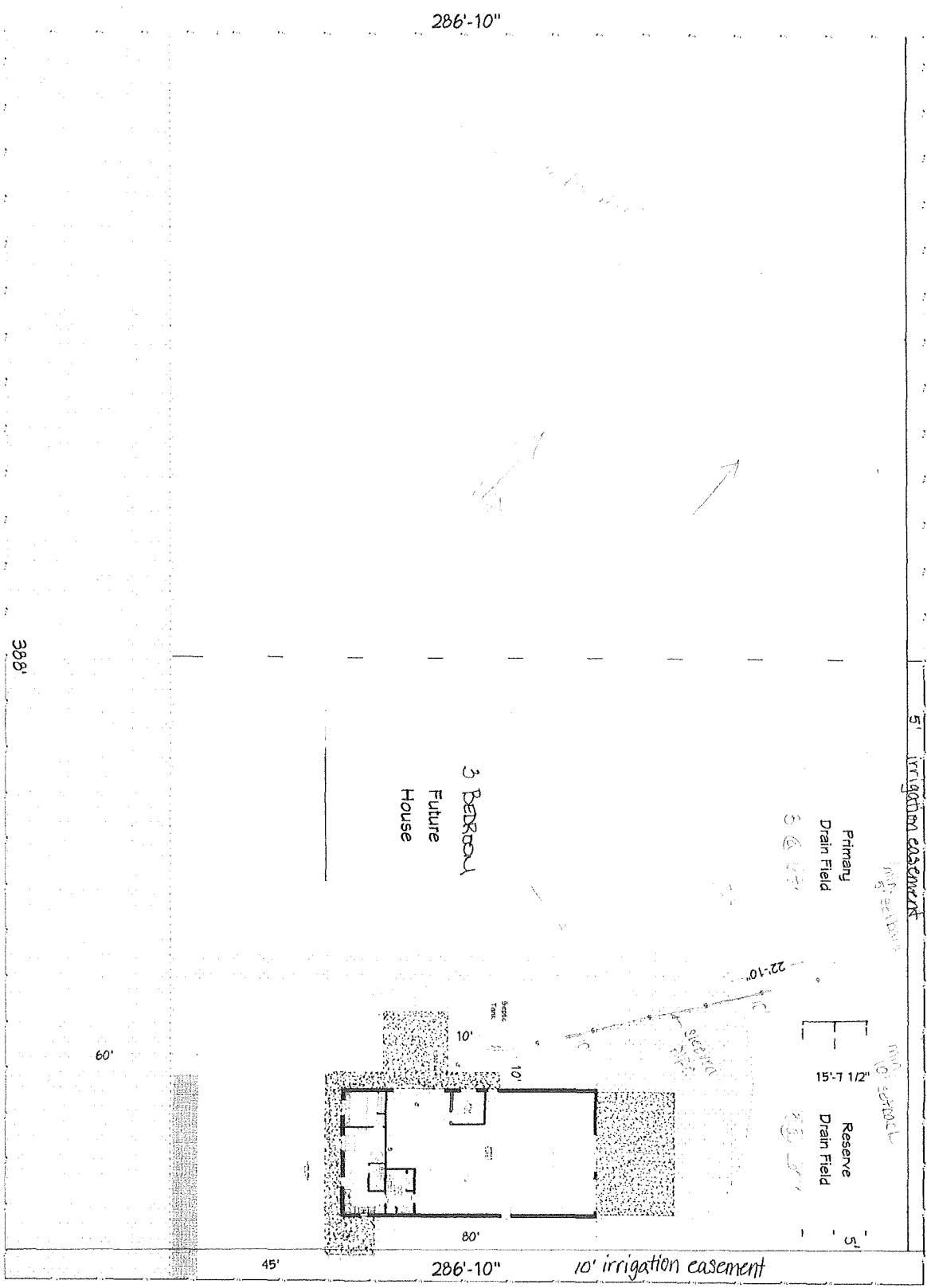


Tyson Pischel / 509-366-2120  
PQH.Homes@gmail.com  
02/14/2020

*Tyson Pischel*

*2/18/21*

Parcel # 11088201129 - Tyson Pischel / 509-366-2120 / PQH Homes@gmail.com



1" = 30'

- 2x4 CONSTRUCTION WITH STUDS 24" O.C.
- STUCCO EXTERIOR WITH 1.5" OF R-10 FOAM OVER STUD WALLS
- SLAB ON GRADE WITH STANDARD FOUNDATION WITH 2" STEM WALL
- 100 AMP ELECTRICAL PANEL RUN FROM 200 AMP PANEL IN GARAGE ENGINEERED TRUSSES WITH 5/12 PITCH AND 3/12 INSIDE VAULT
- ADDITIONAL CONDUIT TO RUN FROM HOUSE FOR FUTURE SOLAR PANELS ON THE ROOF
- 2" GUTTER DESIGN FOR ADDITIONAL 15 PEF TO ACCOMMODATE SOLAR PANELS

NO.	DESCRIPTION	DATE

SHEET TITLE: \_\_\_\_\_

DATE: 1/27/2020

SCALE: \_\_\_\_\_

SHEET: A-5

**Tyson Pischel 95708 E 89 PR SE**

1 message

**Rebecca Warrington** <rebeccaw@bfhd.wa.gov>

Wed, Oct 7, 2020 at 10:10 AM

To: "Jenelle Schadler (Jenelle.schadler@co.benton.wa.us)" <Jenelle.schadler@co.benton.wa.us>, "pqh.homes@gmail.com" <pqh.homes@gmail.com>, "Planning department - Benton County (planning.department@co.benton.wa.us)" <planning.department@co.benton.wa.us>

Cc: "Michelle.johnson@co.benton.wa.us" <Michelle.johnson@co.benton.wa.us>, "Michelle.cooke@co.benton.wa.us" <Michelle.cooke@co.benton.wa.us>

Good morning,

The shop/ADU at the address of 95708 E 89 PRSE, Kennewick (New address is 95606 E 89 PRSE, Kennewick) septic system was approved on July 15, 2020. The AS BUILT for the property will follow here shortly, **at the time the ADU building was approved the placement of the future home was also approved.** I have attached a copy of the site plan which shows the placement of the future home.

Have a great week!

Please feel free to contact me with questions or concerns.

Thank you,

**Rebecca Warrington**

Environmental Health Specialist

Land Use, Sewage and Water Section

**Benton-Franklin Health District**

7102 W. Okanogan Place

Kennewick, WA 99336

p: 509.460.4335

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

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IMPORTANT: Email coming & going from our agency is not protected, thus client information can not be shared in this format. Please use voicemail or fax for client communication. The contents of this email and any attachments are

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



**Planning Division**

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[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

February 23, 2021

**HEM 1.3**

Tyson Pischel  
101301 Ridgeview Dr.  
Kennewick, WA 99338

Via email to: [PQH.Homes@Gmail.com](mailto:PQH.Homes@Gmail.com)

RE: Written Determination of Completeness  
File Number: CUP 2021-003

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit to allow you to build a detached Accessory Dwelling Unit at 95606 E 89 PR SE in Kennewick. The Planning Department has determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2021-003) and the review process will now begin.

Although this office has determined that your application is complete, more clarification or information may be needed from you during the review process. If additional information is required, it will need to be submitted to our office before the item can be heard at the hearing before the Hearings Examiner. Prior to any hearing on your project, you will receive a public hearing notice and a staff memo.

Additional information and/or permits may be required from other agencies including, but not limited to, the Benton County Building Department, the Benton-Franklin Health District, the Benton County Public Works Department, or the Washington State Department of Health.

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

Sincerely,

A handwritten signature in blue ink that reads "Peter McEnderfer".

Peter McEnderfer, Associate Planner  
Benton County Community Development Dept.  
Planning Division

**Community Development Department**

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Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



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February 24, 2021

**HEM 1.4**

Benton County Public Works Department  
Benton Franklin Health District  
Benton County Fire District 1  
Benton County Building Division  
Benton County Fire Marshal  
Benton County Code Enforcement  
Benton PUD

**RE: Agency review of Conditional Use Permit application**  
**File #: CUP 2021-003**

Attached is a Conditional Use Permit application from Tyson Pischel for your agency's review. The applicant is requesting to change an existing dwelling into a detached Accessory Dwelling Unit at 95606 E 89 PR SE in Kennewick.

PLEASE SUBMIT YOUR COMMENTS to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by March 11, 2021. Please reference file number **CUP 2021-003** in all correspondence.

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

Thank you!  
Benton County Planning Department

**April Brown**

**From:** Shanna Everson <eversons@bentonpud.org>  
**Sent:** Thursday, February 25, 2021 7:12 AM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: [E] Agency review request for Conditional Use Permit CUP 2021-003 (Pischel)

**HEM 1.5**

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

No comment.

Shanna Everson  
Distribution Design Tech 1  
509-585-5367



**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Wednesday, February 24, 2021 4:29 PM  
**To:** Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Fire District #1 - Billie <billie@bentonone.org>; lonnie@bentonone.org; Fire District # 1 - Scott <scott@bentonone.org>; Fire District #1 - Staff <staff@bentonone.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brenda Webb <webbb@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; Jeff Vosahlo <vosahloj@bentonpud.org>; Mike Irving <irvingm@bentonpud.org>  
**Subject:** [E] Agency review request for Conditional Use Permit CUP 2021-003 (Pischel)

Please see the attached packet of information for your review of a Conditional Use Permit to change an existing home into an ADU after/during building a new home.

Please have any comments back to our office by March 11, 2021.



April Brown, Permit Technician  
Benton County Planning Division  
Community Development Department  
PO Box 910 Prosser WA 99350  
(509) 786-5612

[Website](#)

The Planning Department has TWO OFFICES to serve you! I am usually in the Kennewick office (102206 East Wiser Parkway Kennewick, WA 99338). Our office in Prosser has moved to the First Floor of the Courthouse (620 Market Street, Prosser).

**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.

**April Brown**

**HEM 1.6**

**From:** Cristina Woods  
**Sent:** Thursday, February 25, 2021 8:19 AM  
**To:** Planning Department  
**Subject:** RE: Agency review request for Conditional Use Permit CUP 2021-003 (Pischel)

Good morning

Public Works has no comments.

They are off a private road and already have a current road approach permit 2020-024.

Thank you



**Cristina Woods, MS** • *Engineering Tech III*  
Benton County Public Works  
102206 Wiser Parkway , WA, 99338  
[cristina.woods@co.benton.wa.us](mailto:cristina.woods@co.benton.wa.us)  
(509) 786-5611

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Wednesday, February 24, 2021 4:29 PM  
**To:** Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Fire District #1 - Billie <billie@bentonone.org>; lonnie@bentonone.org; Fire District # 1 - Scott <scott@bentonone.org>; Fire District #1 - Staff <staff@bentonone.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines <glinest@bentonpud.org> <glinest@bentonpud.org>; Benton PUD Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD-Mike Irving <irvingm@bentonpud.org>  
**Subject:** Agency review request for Conditional Use Permit CUP 2021-003 (Pischel)

Please see the attached packet of information for your review of a Conditional Use Permit to change an existing home into an ADU after/during building a new home.

Please have any comments back to our office by March 11, 2021.



**April Brown, Permit Technician**  
Benton County Planning Division  
Community Development Department  
PO Box 910 Prosser WA 99350  
(509) 786-5612

[Website](#)

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**HEM 1.7**

**NOTICE OF OPEN RECORD HEARING**

**NOTICE IS HEREBY GIVEN** that the following application has been proposed to the Benton County Hearings Examiner for Benton County, Washington.

**CUP 2021-003 Applicant: Tyson Pischel**

The applicant is requesting to change an existing 798 sq. ft. dwelling unit into a detached Accessory Dwelling Unit (ADU) located within an existing 3,200 sq. ft. accessory building at 95606 E 89 PR SE, Kennewick, in Section 10, Township 08 North, Range 28 East, W.M.

**NOTICE IS GIVEN** that the Benton County Hearings Examiner will hold an open record public hearing for the above stated application on Monday April 19, 2021 at 10:00 am.

Due to the ongoing and unprecedented COVID-19 emergency, participation in this meeting will only be offered virtually. All concerned persons may virtually appear and present any support for or objection to an application or provide written testimony to the Hearings Examiner in care of the Planning Division on or before the date of the hearings. Written testimony may be submitted to: Benton County Community Development Department, Planning Division PO Box 910 Prosser, WA 99350. Any information submitted to Benton County is subject to the public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other laws that may require the release of the documents to the public.

**To find information on virtual attendance options, including streaming video, Webex video conferencing and telephone, please visit [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice)**

If you wish to provide comments on any of the actions before the Hearings Examiner, we ask that you please fill out our online form (found at <https://tinyurl.com/testifyform>) and submit your request to our office. **You must submit a request form to participate for each hearing that you wish to attend.** If you prefer to make the request by phone, please call our office at (509) 786-5612 and we can add you to the list for providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item. We do ask that participants please limit background noise or mute their line to prevent any unnecessary interruption to the meeting.

If you have questions regarding any of the land use proposals listed or have questions about submitting comments or attending a virtual hearing, please contact the Planning Division at 509-786-5612 or visit our office at 102206 E. Wisner Parkway, Kennewick, WA 99338.

Dated this 1<sup>st</sup> day of April 2021

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

GREG J. WENDT, Director  
Benton County Community Development Department  
Planning Division

PUBLICATION DATE: April 7, 2021



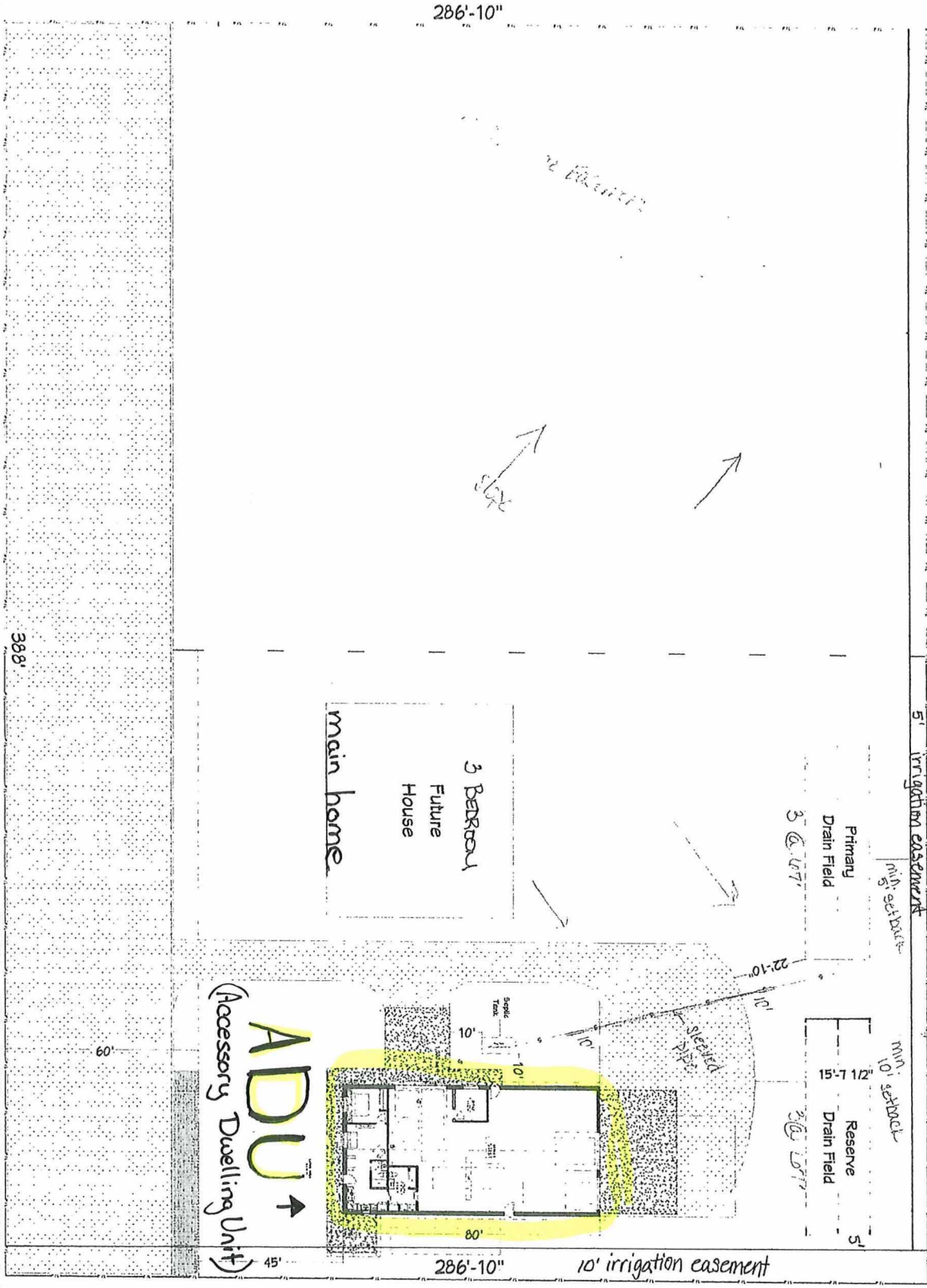
Parcel # 11088201129 - Tyson Pischel / 509-366-2120 / PQH.Homes@gmail.com

388'

5' irrigation easement

11'-2 1/2'

1" = 30'



Color version with notes for 300's All

NO.	DESCRIPTION	BY	DATE
1	CONSTRUCTION WITH STUDS 24" O.C.		
2	STUCCO EXTERIOR WITH 25' OF R-10 FOAM OVER STUD WALLS		
3	SLAB ON GRADE WITH STANDARD FOUNDATION WITH 2x6 STRIPWALL		
4	ELECTRICAL PANEL RUN FROM 200 AMP PANEL IN GARAGE		
5	TRUSSES IN GARAGE TO BE REMOVED		
6	ROOF ON THE SHOP TRUSSES TO BE REMOVED		
7	CONCRETE TO RUN FROM HOUSE FOR FUTURE SOLAR PANELS ON THE ROOF OF THE SHOP		
8	DESIGNED FOR ADDITIONAL 15 PWF TO ACCOMMODATE SOLAR PANELS		

DATE: 1/27/2020  
SCALE:  
SHEET: A-5