

**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  
Rosabel Chavez  
Detached Accessory Dwelling Unit**

**HEM 1.1**

**FILE NO:** CUP 2022-006

**HEARING DATE:** May 20, 2022

**APPLICANT:** Rosabel Chavez, 218104 E 528 PR SE, Kennewick, WA 99337

**OWNERS:** Andre and Rosabel Chavez, 218104 E 528 PR SE, Kennewick, WA 99337

**LOCATION:** General Location: The property is located approximately 400 feet west of the intersection of S Carrol PR SE and E 528 PR SE in Kennewick, Washington.  
Address: 218104 E 528 PR SE, Kennewick, WA 99337  
Legal: Short Plat # 2604, Lot 2  
Parcel Number: 1-3480-101-2604-002

**PROPERTY SIZE:** Approximately 2.69 acres

**AREA TO BE USED:** Not to exceed 728 square feet

**LAND USE:** Residential

**ZONING:** Rural Lands Five-Acre District (RL-5)

**COMPREHENSIVE PLAN DESIGNATION:** Rural Remote

**RECOMMENDATION:**

The Planning Division recommends approval of the application request, subject to the suggested twenty-two (22) Findings of Fact and six (6) Conditions of Approval as outlined in this staff report.

**APPLICATION DESCRIPTION:**

The applicant is requesting a Conditional Use Permit for a 728 sq. ft. accessory dwelling unit within an existing accessory building on the subject site. The existing 1,820 sq. ft. single-family dwelling will remain at 218104 E 528 PR SE, Kennewick, WA 99337.

The property is approximately 2.69 acres in size and is zoned Rural Lands 5 Acre District (RL-5).

The site currently has an 1,820 sq. ft. single-family dwelling with a 1,676 sq ft attached garage, an 864 sq. ft accessory building, and a two story 2,124 sq. ft. accessory building that was previously utilized as the main dwelling. The previous 2,124 sq ft main dwelling was decommissioned to an accessory building in 2021 when the new single-family dwelling was established.

The applicant is proposing to rededicate 728 sq. ft. of the second floor of the prior residence into a one-bedroom dwelling unit. The bottom floor of the structure will remain as storage and no additional

living/residential space shall be allowed on the bottom floor without obtaining proper permits. The building in which the proposed accessory dwelling unit will be located west of the existing single-family dwelling.

The application for CUP 2022-006 was submitted to the Benton County Planning Division on April 4, 2022.

The application was declared complete for processing on April 6, 2022.

The application documents were distributed to reviewing agencies on April 6, 2022.

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2022-006 was published on May 4, 2022 in the Prosser Record Bulletin.

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on May 4, 2022.

The Open Record Hearing is scheduled for May 20, 2022.

### **APPLICABLE STANDARDS/ORDINANCES:**

1. *Revised Code of Washington*  
RCW 36.70A.400, GROWTH MANAGEMENT—PLANNING BY SELECTED COUNTIES AND CITIES  
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) Accessory apartments—Development and placement—Local governments  
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 Remote is the predominant rural land use in the County. This land is located mostly between the agricultural lands (GMA Agriculture), Rural Transition, and the UGAs. Rural Remote land use is intended to enhance and preserve the County's rural character, which includes rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural home sites on which a limited range of agricultural activities may be conducted. Allowable density in Rural Remote land use is 1Du/5acres.

*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.

### **PUBLIC NOTICE:**

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

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

### **AGENCY COMMENTS:**

1. The application documents were distributed to the following reviewing agencies on April 6, 2022.
  - a. Benton County Public Works Department
  - b. Benton-Franklin Health District (BFHD)
  - c. Benton County Fire District 1
  - d. Benton County Building Division
  - e. Benton County Fire Marshal
  - f. Benton County Code Enforcement
  - g. Benton PUD
  - h. Kennewick Irrigation District
  - i. Benton County GIS
  - j. Washington State Department of Transportation
2. The following comments were received from the Benton Franklin Health Department:

- a. Continued use of the existing on-site sewage system is appropriate for the three (3) bedroom single-family shop residence and the proposed one (1) bedroom ADU as indicated on the plans and stamped "Review" by this office.
  - b. "The shower in the downstairs area of the ADU would need to be decommissioned so there is only a shower in the upstairs area for the ADU. The bathroom (toilet and a sink only) and a utility room may remain in the lower level of the ADU." PLANNING NOTE: The ADU is the top floor of the building only. The lower level will be non-living/storage space.
  - c. For additional information contact Rebecca Warrington at (509) 460- 4313.
3. The following comment was received from the Kennewick Irrigation District:
    - a. This parcel is within the Kennewick Irrigation District (KID) boundaries, but is not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.
    - b. Please note that permanent structures are not allowed within irrigation easements.
    - c. Please protect all existing irrigation facilities.
    - d. For additional information contact Chris Sittman with KID at (509) 586-9111
4. The following comment was received from the Washington State Department of Transportation:
    - a. The subject property is adjacent to State Route 397 (SR 397), a managed access Class 3 highway with a posted speed limit of 55 miles per hour. Currently, access to the subject property is via the existing permitted approach at milepost 9.15 left. This connection, known as E 528 PR SE, was originally constructed as part of the county's intertie project, and it permitted to serve 27 individual parcels. This connection may continue to serve the subject property with the second dwelling unit, subject to any additional county requirements.
    - b. It is important to note, any future subdivision of parcels served by this connection will require the proponent of the said subdivision to apply for a new access connection permit from the department.
    - c. For additional information contact Jacob Prilucik with WSDOT at (509) 577-1635.
5. The following are general comments from the Benton County Planning Division:
    - a. The lot is zoned Rural Lands Five Acre (RL-5) District.
    - b. The lot is designated Rural Remote by the Benton County Comprehensive Plan.
    - c. Surrounding land uses: Adjacent properties either have single-family homes with residential accessory uses, agricultural uses, or are currently undeveloped. There is one adjacent undeveloped parcel to the west 15 acres in size and a 166.67-acre parcel to the south that is utilized for agricultural purposes.
    - d. All dwelling units and swimming pools shall have a setback of one hundred fifty (150) feet from any parcel located partially or wholly within the Growth Management Agricultural Act District (GMAAD) and from any adjacent orchard, hop field or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership.
    - e. SEPA: A proposal for a single ADU is exempt from a State Environmental Policy Act checklist and review.
    - f. 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.

### **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 2022-006 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings

Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

Based on the information received to date, Planning staff recommends approval of the applicant's request with the following suggested Findings of Fact and Conditions of Approval:

### **SUGGESTED FINDINGS OF FACT**

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

1. The applicant is requesting a Conditional Use Permit for a 728 sq. ft. accessory dwelling unit within an existing accessory building on the subject site. The existing 1,820 sq. ft. single-family dwelling will remain at 218104 E 528 PR SE, Kennewick, WA 99337.
2. The applicant is Rosabel Chavez, 218104 E 528 PR SE, Kennewick, WA 99337.
3. The owners of the property are Andre and Rosabel Chavez, 218104 E 528 PR SE, Kennewick, WA 99337.
4. The property is located approximately 400 feet west of the intersection of Carrol PR and 528 PR SE in Kennewick, Washington. (Parcel Number 1-3480-101-2604-002).
5. The property is approximately 2.69 acres in size and is zoned Rural Lands Five-Acre (RL-5) District.
6. The proposed detached ADU will be accessory to a 1,820 sq. ft. owner-occupied single-family dwelling.
7. The site currently has a 1,820 sq. ft. single-family dwelling with a 1,676 sq ft attached garage, a 864 sq. ft accessory building, and two story 2,124 sq. ft. accessory building that was previously utilized as the main dwelling. The previous 2,124 sq ft main dwelling was decommissioned in 2021 when the new single-family dwelling was established.

The applicant is proposing to rededicate 728 sq. ft. of the second floor of the prior residence into a one-bedroom dwelling unit. The bottom floor of the structure will remain as storage and no additional living/residential space shall be allowed on the bottom floor without obtaining proper permits. The building in which the proposed accessory dwelling unit will be located is west of the existing single-family dwelling.

8. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
9. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
10. The detached ADU complies with Benton County Building Division standards and requirements.
11. The application for CUP 2022-006 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
12. The application for CUP 2022-006 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.

13. The application for CUP 2022-006 is consistent with the goals and policies of the Benton County Comprehensive Plan.
14. The application for CUP 2022-006 is consistent with the requirements of the Benton County Zoning Code.
15. The application for CUP 2022-006 is consistent with the requirements of BCC 11.42.020 (a) Accessory Dwelling Units (ADU):
  - a. One (1) detached ADU is proposed for the subject property.
  - b. A single-family dwelling is located on the parcel/lot where the detached ADU is to be located.
  - c. The single-family dwelling on the parcel is 1,820 sq. ft. Forty percent (40%) of 1,820 sq. ft. is 728 sq. ft. thus limiting the applicants up to 728 sq. ft. for the ADU.
  - d. The detached ADU will have one (1) bedroom.
  - e. The applicant is proposing two (2) parking spots to serve the detached ADU.
  - f. The proposal is to construct a 728 sq. ft. accessory dwelling unit.
  - g. The lot/parcel is to be improved with an existing single-family dwelling, an existing detached accessory building, and the prior dwelling that the proposed detached ADU will be located and have the lower level to remain as a storage area.
  - h. No additional dwelling or housing units exist or are proposed.
  - i. A home occupation is not planned nor proposed to be operated in the detached ADU.
  - j. The detached ADU must comply with BFHD standards as per the Conditions of Approval.
  - k. The detached ADU and proposed single-family dwelling comply with Fire Marshal requirements for access.
  - l. The detached ADU will be a second-floor unit.
  - m. The existing single-family dwelling shall be occupied by a landowner(s) as his/her primary residence.
  - n. The detached ADU complies with Building Division requirements and Fire Marshal requirements.
  - o. The detached ADU complies with the Benton County critical area ordinance, Shoreline Master Program, and zoning regulations.
16. The application for CUP 2022-006 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be within a detached accessory building.
17. The application for CUP 2022-006 is consistent with requirements in BCC 11.42.020(c)(2)(ii):  
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 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.
19. 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.
20. 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.

21. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
22. 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.

### **SUGGESTED CONDITIONS OF APPROVAL**

1. The activities on the site shall comply with the submitted site plan and materials submitted for this application.
2. 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.
3. 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 prior to the Conditional Use Permit being issued. 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.
4. All required development permits shall be obtained prior to occupancy of the accessory dwelling unit. 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.
5. The Benton Franklin Health District requires all necessary development permits be obtained and associated improvements completed prior to occupancy of the Accessory Dwelling Unit. Please contact Rebecca Warrington with BFHD at 509-460-4335 for more information.
6. Only a portion of the second story is to be used as the ADU. The applicants shall obtain appropriate permits to change the space to storage and non-livable space. This includes removing the shower from the downstairs bathroom as per the Benton Franklin Health District.

#### **Time to Complete Conditions of Approval:**

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

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

#### **Violations of Conditions of Approval:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2022-006 is in

effect.

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

# HEM 1.2



Vicinity map for CUP 2022-006 (Chavez)  
created by Benton County Planning Division

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



Phone (509) 786-5612  
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CONDITIONAL USE PERMIT  
APPLICATION

File No. CUP 2022-006

HEM 1.3  
RECEIVED

APR 04 2022

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

**Applicant/Agent:** Rosabel Chavez  
Mailing Address: 218104 E. 528 Pr Se City: Kennewick  
State: wa ZIP: 99337 Phone: 509.438.3302 Work: \_\_\_\_\_  
Email Address: chavezconcrete@frontier.com  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Property Owner(s)** (if different): Andre' & Rosabel Chavez  
Mailing Address: Same As Above City: \_\_\_\_\_  
State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Phone: 509.727.1789 Work: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Signature: Andre' Chavez Date: April 4, 22  
Signature: Rosabel Chavez Date: April 4, 22

\*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.

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.

PARCEL INFORMATION

1. Subject property address: 218104 E. 528 Pr SE

City: Kennewick State: WA ZIP: 99337

2. Parcel number: 134800102604002 3. Acreage: 2.69

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) \_\_\_\_\_

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

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

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

Phone:  No  Yes: (Provider) Ziply Communications

Irrigation:  No  Private  District: (Provider) \_\_\_\_\_

6. Present use of property: Current Resident

7. What is the proposed use? Detached 728 sq. ft. ADU

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: Look at ADU proposal hand sheet.

10. What is the total area, including storage that will be used? 2,024 sq. ft.

11. Does one of the business proprietors own/lease the property where the proposed business is located?  Yes  No

12. Is there a residence on site?  Yes  No

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

13. Total number of employees (who do not live on site)? N/A

14. Proposed days and hours of operation (including employee hours)?

Days: N/A Hours: N/A

a) Will the operation be seasonal? Months of operation: N/A

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)? N/A

b) Height of sign(s)? N/A

c) Dimensions of sign(s)? N/A

d) Location of sign(s)? N/A

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

16. How many vehicles will be labeled to identify the proposed use? N/A

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

18. What is the name of the access road to the property? 528 Pr 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? N/A

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? N/A

21. Additional comments or information: \_\_\_\_\_

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: \_\_\_\_\_

Zoning: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

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



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 Wiser Parkway

## CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

File No. \_\_\_\_\_  
Applicant Name: Rosabel Chavez

1. Number of Accessory Dwelling Units currently on the property: NONE
2. Is there a single family dwelling currently on the property?  Yes  No
3. What is the square footage of the main home? 1820
4. What is the square footage of the proposed accessory dwelling unit? 728
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:

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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, septics, 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

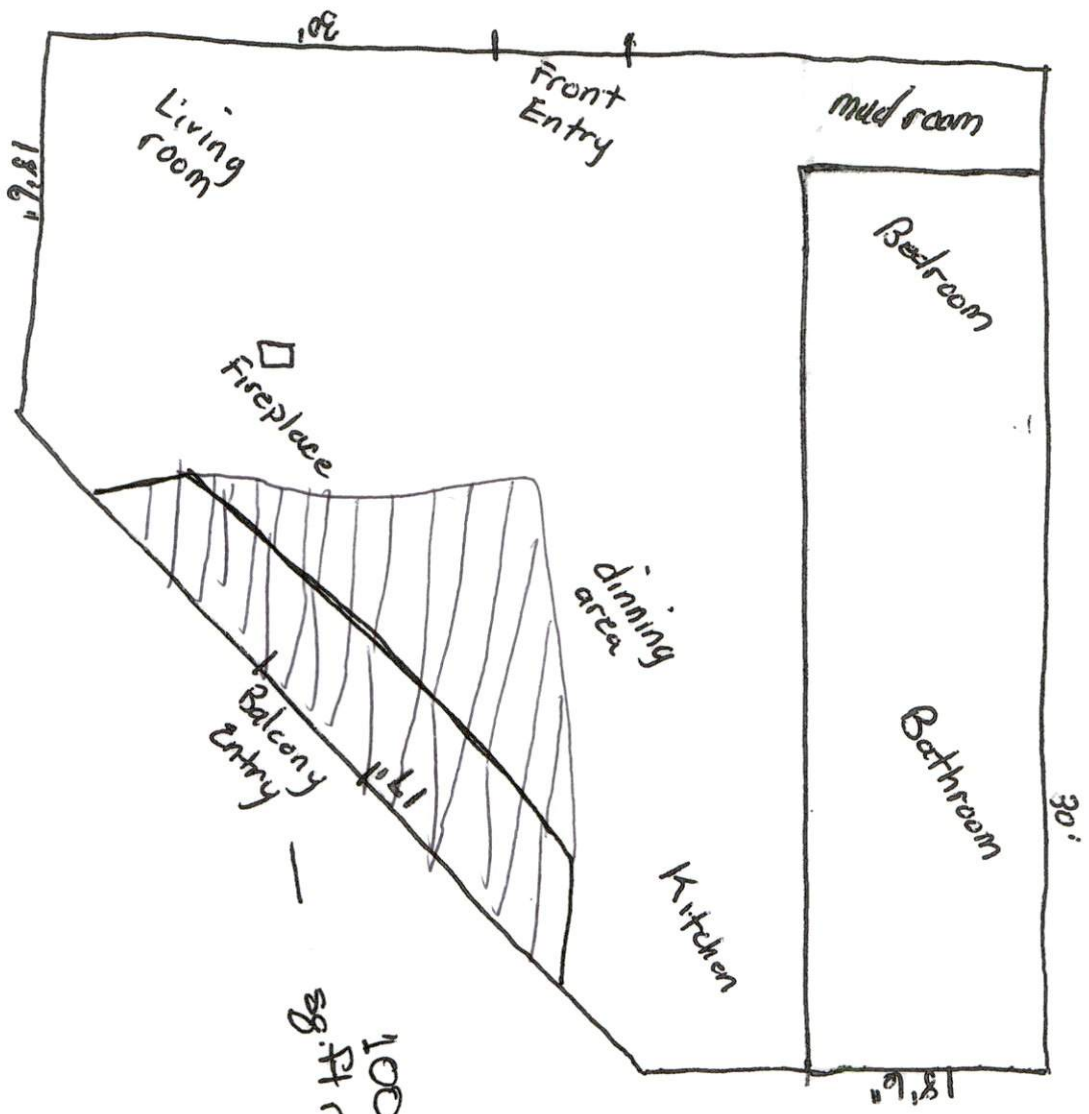
Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

## ADU Proposal

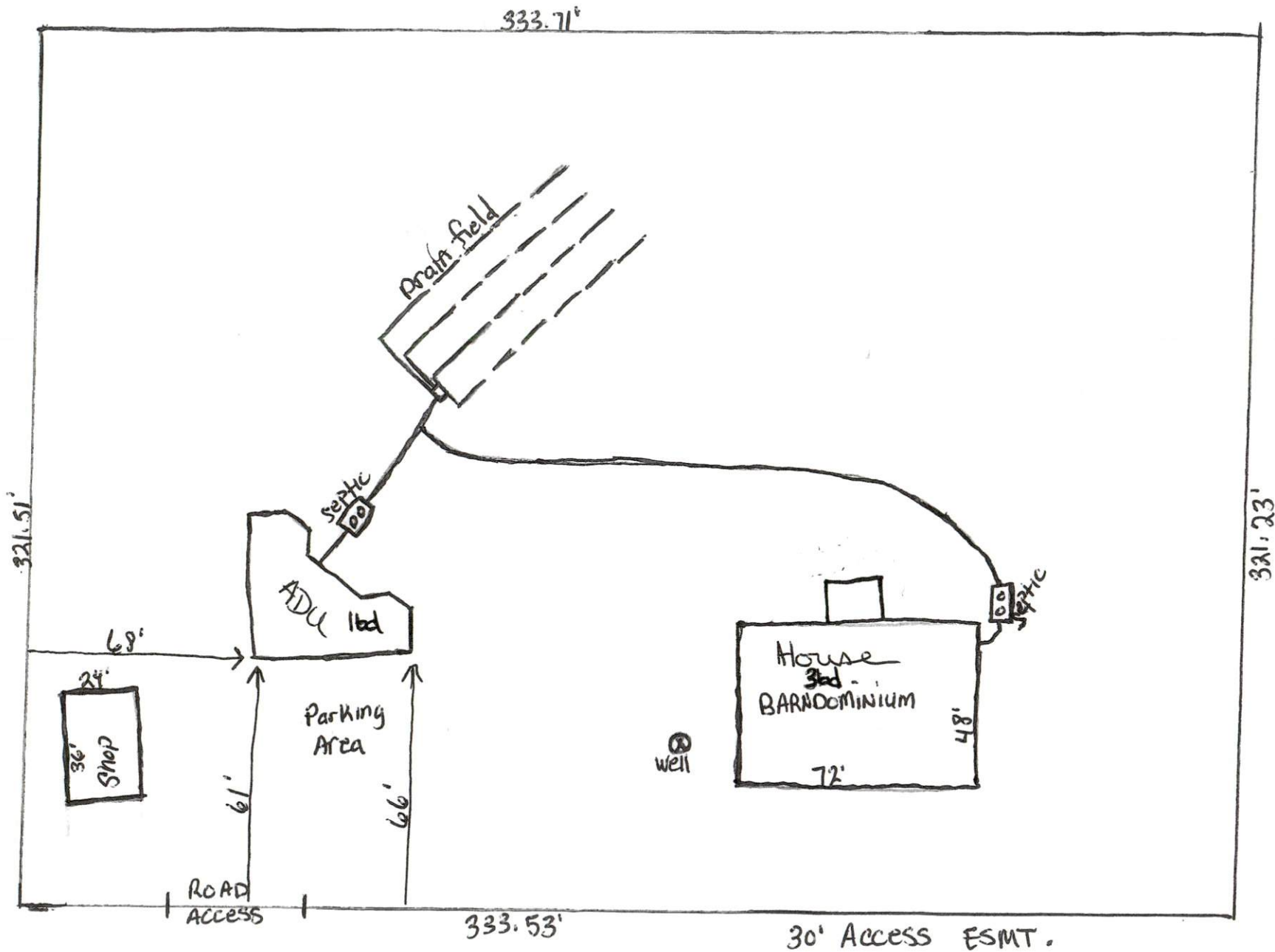
**TOP LEVEL:** We will be transforming our top floor of our stick build house into a 728 sq ft. detached Accessory Dwelling Unit for the purpose of a rental property or personal use. We will be taking down the stairs that go up stairs and closing off the floor. There will be no access to the downstairs from the ADU. The ADU will have a:

- Master bedroom with toilet, sink, walk in shower and jacuzzi tub.
- Kitchen, living room with fireplace, dining room.
- Back door balcony with possibly stairs going down to the outside of the lower level of the ground.
- Front entry will include a small covered patio with 2-3 concrete steps accessing to the ground level and a ramp available for wheelchair accessory.
- Relocating windows to accommodate inside living space.
- New siding, electrical wiring, insulation, sheet rock throughout the house.

**LOWER LEVEL:** Will be storage space, I spoke to Rebecca from the health department and she told me that I would be able to keep the existing bathroom and utility room, with the conditions of decommissioning the existing shower.



100  
sq. ft reduction



528 PRSE

118104 E 528 PRSE  
 -3480-101-2604-002



Benton-Franklin Health District  
 Environmental Health Division  
 7102 W. Okanogan Place • Kennewick, WA 99336  
 (509) 460-4205 or (800) 814-4323  
 www.bfhd.wa.gov

For Office Use Only	
ACCT. #	0311-5631
HSP #	AASO-CBHTL4

Existing On-Site Sewage System Evaluation Report

HEM 1.4

**SECTION 1: INFORMATION ABOUT THE PROPERTY**

Date of Application February 7, 2022		Domestic Water Source <input checked="" type="checkbox"/> Single Family Well <input type="checkbox"/> Public Water Supply	
Site Address 218104 E 528 PR SE, Kennewick, WA 99337		Name of Public Supply	
Tax Parcel Identification Number 1-3480-101-2604-002	Lot Number 2	Block Number	
Legal Description of Parcel/Subdivision SHORT PLAT # 2604, LOT 2			

**SECTION 2: APPLICANT INFORMATION**

Applicant Name Andre & Rosabel Chavez		Daytime Phone (509) 438-3302	
Current Mailing Address 218104 E 528 PR SE		City Kennewick	Zip Code 99337
e-mail address chavezconcrete@frontier.com		Home Phone (509) 582-4043	Cell Phone (509) 438-3302

**SECTION 3: PURPOSE OF REVIEW**

<input type="checkbox"/> New Single Family Home	<input type="checkbox"/> Change or Additional Use	<input type="checkbox"/> Accessory Building (Shop, Garage, Shed)
<input type="checkbox"/> Addition to Existing Home	<input type="checkbox"/> Childcare - Number of Children =	<input type="checkbox"/> Title Elimination
<input type="checkbox"/> Swimming Pool or Spa	<input type="checkbox"/> Home Occupation	<input checked="" type="checkbox"/> Other Specify: ADU

**SECTION 4: APPLICANT SUPPLIED DETAILS-VERIFIED BY BFHD**

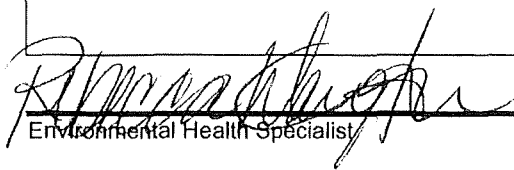
Type of Existing Structure: <input checked="" type="checkbox"/> Site Built <input type="checkbox"/> Pre-Manufactured	Property size: 2.69 <input checked="" type="checkbox"/> acres <input type="checkbox"/> square feet	
Number of Employees/Patrons/Residents 3	Total Number of Bedrooms/Gallons Per Day: 4	
<input type="checkbox"/> Garbage Disposal <input type="checkbox"/> Water Softener	<input type="checkbox"/> Basement <input type="checkbox"/> Plumbing Present in Basement	
Approximate Age of On-site System: 35 yrs	Septic Tank Size: 1000 Gallons	Drainfield Size: 800 sq. ft.
Date of Septic Tank Pumping: 2/9/2022	Pumper: Greg's Septic Service	Contact Number: 509-586-2386

**SECTION 6: FOR OFFICE USE ONLY**

<input checked="" type="checkbox"/> System Records	<input checked="" type="checkbox"/> As-built drawing	<input checked="" type="checkbox"/> OSS Permit # 7421 & 20659
Install Date: 7421 - 2/4/87 20659 - 3/28/2012	Installer: Troy Ivey Excavating (7421) Shoemaker Excavation (20659)	<input checked="" type="checkbox"/> Baffles present
<input checked="" type="checkbox"/> Tank water tight	<input checked="" type="checkbox"/> Tank lids sound	<input checked="" type="checkbox"/> Wastewater strength
<input checked="" type="checkbox"/> Replacement area	<input checked="" type="checkbox"/> Setbacks maintained	<input checked="" type="checkbox"/> OSS sized for proposal
<input checked="" type="checkbox"/> System functioning	<input checked="" type="checkbox"/> Proposal compliant	<input checked="" type="checkbox"/> Detailed site plan attached

Comments:

Continued use of the existing on-site sewage system is appropriate for the three (3) bedroom single family shop residence and proposed one (1) bedroom ADU as indicated on the plans and stamped "Reviewed" by this office.

  
 Environmental Health Specialist      Date: March 16, 2022

Amy D. Person, M.D.  
 District Health Officer



# AS-BUILT DRAWING OF SEWAGE DISPOSAL SYSTEM

7102 W. Okanogan Pl.  
Kennewick, WA 99336  
Phone: (509) 460-4205

# BENTON-FRANKLIN HEALTH DISTRICT ENVIRONMENTAL HEALTH DIVISION

310 7<sup>th</sup> Avenue  
Prosser, WA 99350  
Phone: (509) 786-1633

JURISDICTION: Benton Co PERMIT #: 20659 DATE OF INSTALLATION: 03-28-2012

TYPE OF SYSTEM: Conventional Gravity Flow TREATMENT STANDARD: Level E TYPE OF PERMIT: Alteration-Expansion

TYPE OF STRUCTURE: Residential DESIGN CAPACITY: 4 BEDROOMS Gpd

PARCEL ID: 1-3480-101-2604-002 Building sewer connected to sewage system at the time of inspection: Yes

LEGAL DESCRIPTION OF PROPERTY: Lot 2, Short Plat 2604

PROPERTY ADDRESS: 218104 E 528 PR SE off Finley Rd

Permittee: Andre Chavez Installer: Shoemaker Excavation

Septic Tank: 1000 Gal. Type: Concrete Depth: 0" GPS Coordinates: House- N46.13234° W119.04427° Shop - N46.13326° W119.04252°

Pump Chamber: 500 Dose Volume: 90 Pump Make and Model: Goulds PE41M

D-Box: Yes depth to access: 24" Drainfield: 200 sq. ft. 800 Depth to Top of Field: 12-24"

Type of Field: Gravel Absorption Bed: sq. ft. Other: sq ft.

Water Supply: Single Family Well GPS Location if SFW: N46.13217° W119.04388°

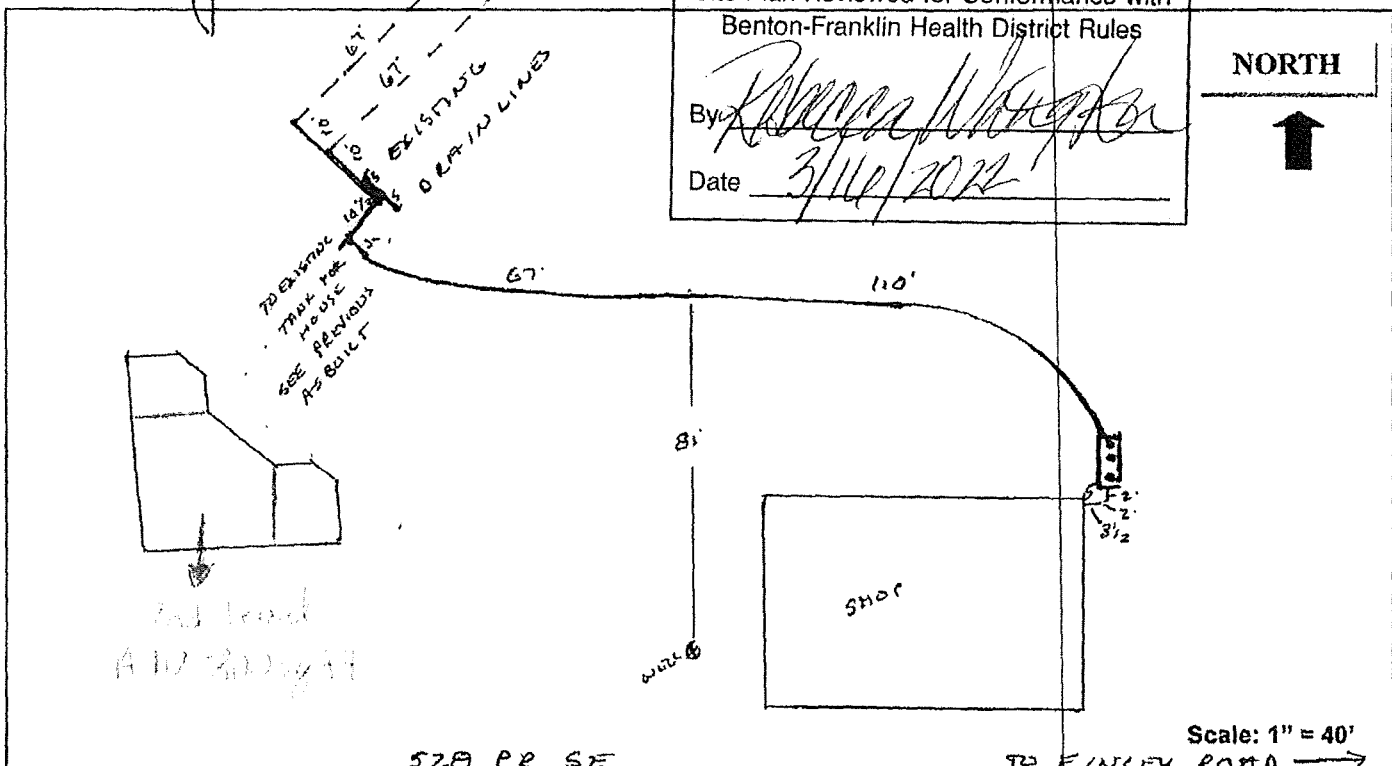
Inspected by: *Jim S. Randle*

Date of Approval: 4-9-12

Site Plan Reviewed for Conformance with Benton-Franklin Health District Rules

By: *[Signature]*

Date: 3/16/2012



Copies to: Andre Chavez 218104 E 528 PR SE, Kennewick 99337; Shoemaker Excavation; BCBD

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

## HEM 1.5

April 6, 2022

Rosabel Chavez  
218104 E 528 PR SE  
Kennewick, WA 99337

Via Email: [chavezconcrete@frontier.com](mailto:chavezconcrete@frontier.com)

RE: Written Determination of Completeness  
File Number: CUP 2022-006

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 218104 E 528 PR SE in Benton County. The Planning Division has determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2022-006) 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 Division, 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,

---

Andrea Watts, Associate Planner  
Benton County Planning Division

**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)

April 6, 2022

**HEM 1.6**

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  
Kennewick Irrigation District  
Benton County GIS

**RE: Agency review of Conditional Use Permit application**  
**File #: CUP 2022-006**  
**Parcel # 1-3480-101-2604-002**

Attached is a Conditional Use Permit – Accessory Dwelling Unit application for your agency’s review.

The applicant is requesting to remodel an existing two-story single-family dwelling to create a 728 square foot detached Accessory Dwelling Unit on the second floor and a separated 1,296 square foot storage area on the first.

The existing 1,820 square foot single family dwelling that is also on the property will remain.

PLEASE SUBMIT YOUR COMMENTS to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by April 20, 2022. Please reference file number **CUP 2022-006** in all correspondence.

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

Thank you!  
Benton County Planning Division

April 13, 2022

## HEM 1.7

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

Attn: April L. Brown, Permit Technician

Subject: CUP 2022-006, Chavez  
SR 397 milepost 9.15 left

We have reviewed the proposed project and have the following comments.

- The subject property is adjacent to State Route 397 (SR 397), a Class 3 managed access highway with a posted speed limit of 55 miles per hour. Currently, access to the property is via the existing permitted approach at milepost 9.15 left. This connection, known as E 528 PR SE, was originally constructed as a part the county's intertie project, and is permitted to serve 27 individual parcels. This connection may continue to serve the subject property with the second dwelling unit, subject to any additional county requirements.
- It is important to note, any future subdivision of parcels served by this connection will require the proponent of the said subdivision to apply for a new access connection permit from the department.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact Jacob Prilucik at (509) 577-1635.

Sincerely,



Paul Gonseth, P.E.  
Planning Engineer

PG: jp/mnk

cc: SR 397, file #2022\_002  
Kara Shute, Area 3 Maintenance Superintendent



2015 South Ely Street  
Kennewick, WA 99337  
Customer Service 509-586-9111  
Business 509-586-6012  
FAX 509-586-7663  
[www.kid.org](http://www.kid.org)

April 13, 2022

## HEM 1.8

April Brown, Permit Technician – Planning Division  
**Benton County Community Development Department**  
620 Market Street (Prosser Courthouse, 1<sup>st</sup> Floor)  
Prosser, WA 99350

Subject: Review Comments for CUP 2022-006, Andre' & Rosabel Chavez

Dear Ms. Brown:

The Kennewick Irrigation District has received your Conditional Use Permit Application submitted by **Andre' & Rosabel Chavez**, 218104 E. 528 PR SE, Kennewick, WA 99337 for a detached ADU in an existing building. This site is generally located at 218104 E. 528 PR SE, Kennewick, WA 99337

1. This parcel is within the Kennewick Irrigation District (KID) boundaries, but is not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all existing irrigation facilities.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

Chris D. Sittman  
Engineering Department/CAD Specialist

cc: LB\correspondence\File 34-08-30  
Applicant via mail – Andre' & Rosabel Chavez, 218104 E. 528 PR SE, Kennewick, WA 99337

## Andrea Watts

---

**From:** Rebecca Warrington <rebeccaw@bfhd.wa.gov>  
**Sent:** Friday, May 6, 2022 2:36 PM  
**To:** Andrea Watts  
**Subject:** [EXTERNAL] RE: Conditional Use Permit Agency Review request (CUP 2022-006 - Chavez)

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

Good afternoon Andrea,

Thank you for letting me comment on this one. I didn't receive the notice of the CUP with the due date of April 20<sup>th</sup> otherwise I would have commented. Our office is okay with the 1 bedroom ADU which is connected to the current septic system, however, the shower in the downstairs area of the ADU would need to be decommissioned so there is only a shower in the upstairs area for the ADU. The bathroom (toilet and a sink only) and a utility room may remain in the lower level of the ADU.

Once again thank you for letting me comment on this one and I hope you have a wonderful weekend!

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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Thank you!

---

**From:** Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Sent:** Friday, May 6, 2022 1:26 PM  
**To:** Rebecca Warrington <rebeccaw@bfhd.wa.gov>  
**Subject:** Conditional Use Permit Agency Review request (CUP 2022-006 - Chavez)

Hi Rebecca,

I'm compiling agency comments for this Accessory Dwelling Units and wanted to double check if you had any requirements or conditions.

Thank you!



**Andrea Watts**

Associate Planner

Benton County Community Development Department - Planning Division

[Andrea.watts@co.benton.wa.us](mailto:Andrea.watts@co.benton.wa.us)

(509) 786-5612

---

**From:** Planning Department <[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)>

**Sent:** Wednesday, April 6, 2022 4:27 PM

**To:** Benton Franklin Health District - Rick Dawson <[rickd@bfhd.wa.gov](mailto:rickd@bfhd.wa.gov)>; Fire District #1 - Billie <[billie@bentonone.org](mailto:billie@bentonone.org)>;  
[lonnie@bentonone.org](mailto:lonnie@bentonone.org); Fire District # 1 - Scott <[scott@bentonone.org](mailto:scott@bentonone.org)>; Fire District #1 - Staff <[staff@bentonone.org](mailto:staff@bentonone.org)>;  
Clark Posey <[Clark.Posey@co.benton.wa.us](mailto:Clark.Posey@co.benton.wa.us)>; Dale Wilson <[Dale.Wilson@co.benton.wa.us](mailto:Dale.Wilson@co.benton.wa.us)>; Seth Defoe  
<[SDefoe@kid.org](mailto:SDefoe@kid.org)>; Development <[development@kid.org](mailto:development@kid.org)>; Ben Woodard <[BWoodard@kid.org](mailto:BWoodard@kid.org)>; GIS  
<[GIS@co.benton.wa.us](mailto:GIS@co.benton.wa.us)>; Brad O'Brien <[Brad.Obrien@co.benton.wa.us](mailto:Brad.Obrien@co.benton.wa.us)>; Brian Bell <[Brian.Bell@co.benton.wa.us](mailto:Brian.Bell@co.benton.wa.us)>;  
Daniel Gonzalez <[Daniel.Gonzalez@co.benton.wa.us](mailto:Daniel.Gonzalez@co.benton.wa.us)>; Elizabeth Koerner <[Elizabeth.Koerner@co.benton.wa.us](mailto:Elizabeth.Koerner@co.benton.wa.us)>; Jessica  
Harris <[Jessica.Harris@co.benton.wa.us](mailto:Jessica.Harris@co.benton.wa.us)>; Michelle Johnson <[Michelle.Johnson@co.benton.wa.us](mailto:Michelle.Johnson@co.benton.wa.us)>; Troy Taylor  
<[Troy.Taylor@co.benton.wa.us](mailto:Troy.Taylor@co.benton.wa.us)>; Cristina Woods <[Cristina.Woods@co.benton.wa.us](mailto:Cristina.Woods@co.benton.wa.us)>; Jeff Liner  
<[Jeff.Liner@co.benton.wa.us](mailto:Jeff.Liner@co.benton.wa.us)>; Jordyn Reimer <[Jordyn.Reimer@co.benton.wa.us](mailto:Jordyn.Reimer@co.benton.wa.us)>; Tavis Hatfield  
<[Tavis.Hatfield@co.benton.wa.us](mailto:Tavis.Hatfield@co.benton.wa.us)>; Douglas D'Hondt <[Douglas.DHondt@co.benton.wa.us](mailto:Douglas.DHondt@co.benton.wa.us)>; Matt Mahoney  
<[Matt.Mahoney@co.benton.wa.us](mailto:Matt.Mahoney@co.benton.wa.us)>

**Subject:** Conditional Use Permit Agency Review request (CUP 2022-006 - Chavez)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see the attached Conditional Use Permit application for a detached ADU in an existing building.

Please have all comments back to our office by April 20, 2022.

Thank you

April L. Brown

Permit Technician, Planning Division

Benton County Community Development Department

(509) 786-5612

Website: [co.benton.wa.us](http://co.benton.wa.us)

Kennewick Office: 102206 East Wiser Parkway

Prosser Office: 620 Market Street (Prosser Courthouse, 1<sup>st</sup> Floor)

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**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wisner 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)

**NOTICE OF OPEN RECORD HEARINGS****HEM 1.10**

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

**CONDITIONAL USE PERMIT -- CUP 2022-004, APPLICANT: DONALD CARTER**

The applicant is requesting to build a 725 square foot detached Accessory Dwelling Unit at 32103 Alamos Way PR NE Benton City, WA 99320. The existing 2,970 square foot single family dwelling will remain.

**CONDITIONAL USE PERMIT -- CUP 2022-005, APPLICANT: VICTORY BAPTIST CHURCH**

The applicant is requesting a Conditional Use Permit to conduct church services and related activities for an 85-member congregation on a year-round basis at 29911 E Jacobs Rd, Benton City, WA 99320. Church services will be held primarily 10:00 AM to 12:00 PM and 7:00 PM to 9:00 PM on Sundays, and Wednesday evenings 7:00 PM – 9:00 PM, with a couple of special meetings throughout the year.

**CONDITIONAL USE PERMIT -- CUP 2022-006, APPLICANT: ROSABEL CHAVEZ**

The applicant is requesting to remodel an existing two-story single-family dwelling at 218104 E 528 PR SE, Kennewick, WA 99337 to create a 728 square foot detached Accessory Dwelling Unit on the second floor and a separate 1,296 square foot storage area on the first. The existing 1,820 square foot single family dwelling that is also on the property will remain.

**VARIANCE – VAR 2022-001, APPLICANT: KNUTZEN ENGINEERING**

The applicant plans to build a Commercial Recreation Facility on East Detrick PR in Kennewick (Parcels 111881013669001 and 111881013369002). The overhang of the proposed building extends 10' (10 feet) into the 25' (25-foot) setback from an access easement (aka East Detrick PR SE). The applicant is requesting a 10' (10-foot) variance from the 25' (25-foot) access easement setback for the overhang only.

NOTICE IS GIVEN that the Benton County Hearings Examiner will hold an open record public hearing for each of the above stated applications. The hearings will be held in-person and virtually/telephonically via Webex.

**DATE OF HEARING:** Friday, May 20, 2022 at 10:00 am  
**LOCATION OF HEARING:** Planning Hearing Room, Benton County Courthouse, 1<sup>st</sup> Floor,  
620 Market Street, Prosser, WA 99350

**The Planning Hearing Room can only be accessed via the Main Street (east) side of the building.** To find information on attendance & testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>

Anyone may participate in the hearings and present testimony or comments on an application. Persons may appear in person or virtually/telephonically during the hearing or provide written testimony to the Hearings Examiner (care of the Planning Division) on or before the date of the hearing. Written comments can be emailed to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) or dropped off at one of the Planning Division offices or mailed to: Benton County Community Development Department-Planning Division, ATTN: Hearings Examiner P.O. 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.

If you wish to provide testimony during the hearing (in person or virtually), we ask that you inform the Planning Division before the meeting. You can do that by filling out a Request to Testify form at <https://tinyurl.com/testifyform> or by contacting our office to be added to the list.

**You must submit a request for each hearing in which you wish to participate.** We ask that participants who will be attending virtually please limit background noise and/or mute their line to prevent interruptions of the meeting.

If you have questions regarding any of the actions before the Hearings Examiner or the hearing process, please contact the Planning Division at (509) 786-5612, [planning\\_department@co.benton.wa.us](mailto:planning_department@co.benton.wa.us), P.O. Box 910 Prosser, WA 99350, 102206 E. Wiser Parkway, Kennewick, WA 99338 or 620 Market Street, First Floor, Prosser, WA 99350.

Dated this 2<sup>nd</sup> day of May 2022

PUBLICATION DATE: May 4, 2022

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager  
Community Development Department

Notice

NOTICE OF OPENING RECORD HEARINGS

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Hearings

Examiner for Department of Community Development Planning Division ATTN: Hearings Examiner P.O. 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.

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PUBLICATION DATE: May 4, 2022  
SUSAN E. DRUMMOND, Benton County Hearings Examiner  
MICHELLE L. COOKE, Planning Manager  
Community Development Department  
Published: Prosser Record-Bulletin  
Published: May 4, 2022

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.  
County of Benton

Rebecca D. Fink

being first duly sworn on oath, deposes and says that he is the

Production Manager

of the PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That

annexed is a true copy of

Notice of Opening Record Hearings - CUP

2022-004 / CUP 2022-0051

CUP 2022-006 VAR 2022-001

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week

commencing May 4, 2022

ending May 4, 2022

both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

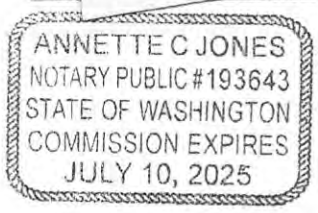
charged for the foregoing publication is the sum of \$ 365.62, which amount has been paid in full

Subscribed and sworn to before me this 4th

day of May, 2022

ANNETTE C. JONES

Notary Public in and for the State of Washington, residing at Prosser, Washington





Valley Publishing Co.  
 P.O. Box 750  
 Prosser, WA 99350  
 (509)786-1711

# Invoice

Date	Invoice #
5/4/2022	6004BC

**Bill To**  
 Benton County Planning Dept.  
 P.O. Box 910  
 Prosser, WA., 99350

P.O. Number

Publishers Of  
 Prosser Record-Bulletin / The Grandview Herald  
 office@recordbulletin.com

Quantity	Item Code	Description	Price Each	Amount
	Prosser Legals	Notice of Open Record Hearing, CUP 2022-004, CUP 2022-005, CUP 2022-006, VAR 2022-001, Published May 4, 2022. NET	365.62	365.62
<div style="border: 1px solid black; padding: 5px; width: fit-content;">Thank you for choosing your hometown newspaper!</div>			<b>Total</b>	\$365.62
			<b>Balance Due</b>	\$365.62