

**EXHIBIT LIST FOR CUP 2023-003  
Brian Schneider for Zach Byrnes - ADU**

<b>Hearings Examiner Staff Memo Exhibit List - March 17, 2023 hearing</b>		
HEM 1.1	Staff Memo	February 28, 2023
HEM 1.2	Vicinity map	February 13, 2023
HEM 1.3	Application	February 6, 2023
HEM 1.4	Floorplan layout/Site Plan Map	February 6, 2023
HEM 1.5	Written Determination of Completeness	February 7, 2023
HEM 1.6	Agency review request	February 9, 2023
HEM 1.7	Comment from Benton Franklin Health District	February 13, 2023
HEM 1.8	Comment from Benton PUD	February 13, 2023
HEM 1.9	Notice of Open Record Hearings	February 24, 2023
<b>Exhibits Submitted <span style="color: red;">During Hearing</span> or while record remained open</b>		
HEH 1.1		
HEH 1.2		
HEH 1.3		
HEH 1.4		
HEH 1.5		
HEH 1.6		
HEH 1.7		
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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  
Brian Schneider for Zach Byrnes  
Detached Accessory Dwelling Unit**

**HEM 1.1**

**FILE NO:** CUP 2023-003

**MEMO DATE:** February 28, 2023

**HEARING DATE:** March 17, 2023

**APPLICANT:** Brian Schneider, 6223 W Deschutes, Ste 114,  
Kennewick, WA 99336

**OWNER:** Zach Byrnes 87321 E Calico Rd Kennewick, WA 99338

**LOCATION:** General Location: The property is located approximately 0.06 miles northwest of the intersection of S Gallop Ln and E Calico Rd in the Kennewick area of unincorporated Benton County, Washington.

Address: 87321 E Calico Rd Kennewick, WA 99338

Abbreviated Legal: Steeplechase Phase 1, Lot 56, Section 09, Township 08 N, Range 28 E, W.M.

Parcel Number: 1-0988-405-0000-056

**PROPERTY SIZE:** Approximately 1.01 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 twenty-two (22) Findings of Fact and four (4) Conditions of Approval as outlined in this staff report.

**APPLICATION DESCRIPTION:**

The applicant is proposing to construct a 640 sq foot Accessory Dwelling Unit (ADU) (HEM 1.3). The ADU is to be located southeast of the existing single-family dwelling on the parcel and is proposed to be located within a 1,354 accessory building. The intended purpose of the ADU is for a future dwelling unit for family members.

The application and floor plan (HEM 1.4) submitted indicates a total living space of 640 square feet within a detached accessory building where the total square footage including the ADU will be 1,354 square feet.

The property is approximately 1.01 acres in size and is zoned Rural Lands One Acre District (RL-1). The site is currently used for residential purposes with a 3,341 square foot single family dwelling.

The application for CUP 2023-003 was submitted to the Benton County Planning Division on February 6, 2023.

The application was declared complete for processing on February 7, 2023. (HEM 1.5)

The application documents were distributed to reviewing agencies on February 9, 2023. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2023-003 was published on March 1, 2023, in the Prosser Record Bulletin. (HEM 1.9)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on February 27, 2023.

The Open Record Hearing is scheduled for March 17, 2023.

**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 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 Benton County Comprehensive Plan 41 February 2018 environments, and potentially suitable for future inclusion into UGAs. Maximum allowable density in this land use category is 1 DU/acre. There are currently six areas in the County designated as Rural Transition. One is surrounded by Richland urban areas on all sides near the Columbia Park Trail. All other Rural Transition areas abut Kennewick, Richland, and Prosser UGAs on at least one side or adjoin a higher intensity land use between a UGA and the Rural Transition land use. A significant portion of the future population growth within the County is anticipated to occur in these areas.

*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.
- (b) 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.

- (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.
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 February 9, 2023.
  - 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
  - h. Summit View Water Works
2. The following comments were received from the Benton Franklin Health Department: (HEM 1.7)
  - a. A permit for septic was issued for the ADU at 87231 Calico Rd but has not been installed and approved yet.
  - b. For more information, please contact Justin Gerber at 509-460-4330 [justing@bfhd.wa.gov](mailto:justing@bfhd.wa.gov)
3. The following are general comments and discussion points from the Benton County 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: The subject parcel and adjoining parcels are predominantly residential in use with single-family homes and residential accessory uses.
- 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.

**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 2023-003 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:

**SUGGESTED FINDINGS OF FACT**

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

- 1. The applicant is proposing to build a 640 square foot detached Accessory Dwelling Unit. The ADU is located southwest of the existing 3,341 square foot single family dwelling unit.
- 2. The applicant is Bryan Schneider, 6223 W Deschutes, Ste 114, Kennewick, WA 99336.
- 3. The owner is Zach Byrnes, 87321 Calico Rd, Kennewick, WA 99338.
- 4. The property is located approximately 0.06 miles northwest of the intersection of S Gallop Ln and E Calico Rd in the Kennewick area of unincorporated Benton County, Washington (Parcel Number 1-0988-405-0000-056).
- 5. The property is approximately 1.01 acres in size and is zoned Rural Lands One-Acre (RL-1) District.
- 6. The detached ADU is accessory to a 3,341 square foot owner-occupied single-family dwelling.
- 7. The site currently consists of a 3,341 square foot 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 2023-003 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
12. The application for CUP 2023-003 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
13. The application for CUP 2023-003 is consistent with the goals and policies of the Benton County Comprehensive Plan.
14. The application for CUP 2023-003 is consistent with the requirements of the Benton County Zoning Code.
15. The application for CUP 2023-003 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 existing single-family dwelling is 3,341 square feet. Forty percent 40% of 3,341 square feet is 1,336.4 square feet. The applicant is proposing approximately 640 square feet in the application.
  - 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 640 square foot accessory dwelling unit on the site with the existing 3,341 square foot primary single-family dwelling.
  - g. No additional dwelling or housing units exist or are proposed.
  - h. A home occupation is not planned nor proposed to be operated in the detached ADU.
  - i. The detached ADU must comply with BFHD standards as per the Conditions of Approval.
  - j. The detached ADU and proposed single family dwelling comply with Fire Marshal standards.
  - k. The detached ADU is an upper floor unit.
  - l. At the time of application, the owners plan to reside in the existing single-family dwelling and use the ADU as a residence for family members.
  - m. The detached ADU complies with Building Division requirements and Fire Marshal requirements.
  - n. The detached ADU complies with the Benton County critical area ordinance, Shoreline Master Program, and zoning regulations.
16. The application for CUP 2023-003 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU is in a detached accessory building.

17. The application for CUP 2023-003 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
  - a. The ADU is proposed to be located southwest of the existing single-family dwelling. The distance from E Calico Rd as well as the orientation ADU will make it difficult to see from the street.
  - b. 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 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 their 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 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.
- c. Benton Franklin Health District

**Time to Complete Conditions of Approval:**

The applicant 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.

**Transferability**

This Conditional Use Permit is transferrable by the holder. If a new property owner wishes to continue to have the Accessory Dwelling Unit, the new owner must update the Conditional Use Permit application, accept the Conditions of Approval in writing, and be approved by the Planning Manager prior to transfer of the permit being allowed.

**Violations of Conditions of Approval:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2023-003 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.



Community Development Department  
Prosser Office: 620 Market Street, 1st 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)

**CONDITIONAL USE PERMIT APPLICATION**

File No. 2023-003

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FEB 06 2023

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

**Name of Applicant/Agent:** Brian Schneider

Mailing Address (with City, State & zip): 6223 W Deschutes Ste 114 Kennewick Wa 99336

Phone #1: 509-591-1302 Phone #2: 509-737-7374

Email Address(es): brian@buildwithschneider.com

Signature: Brian Schneider Date: 1-29-23

**Name of Property Owner(s) (if different):** Zach Byrnes

Mailing Address (with City, State & zip): 87321 Calico Rd Kennewick, WA 99338

Phone #1: 509-412-5788 Phone #2: \_\_\_\_\_

Email Address(es): zach.s.byrnes@gmail.com

Signature: Zachary Byrnes Date: 1-29-2023

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

*\*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

**Applicant/Legal Owner name:** \_\_\_\_\_

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 Division 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

4. **Subject property address (including city):** 87321 Calico Rd Kennewick, WA 99338

5. **Parcel number(s):** 109884050000056

6. **Total Acreage:** 1.01

7. **Access:**       County Road                       State Road/Highway                       Private Road

8. **Utilities:**

**Power:**       Benton PUD                       Benton REA                       Other: \_\_\_\_\_

**Sewer:**       Septic Tank                       City Sewer                       Other: \_\_\_\_\_

**Water:**       Individual well(s)       One well serving 2-4 lots       One well serving 5+ lots

City System      Provider: \_\_\_\_\_

Private System      Provider name and address: Summit View Water Works  
PO Box 7224 Kennewick WA 99336

**Gas:**       No  
 Yes                      Provider name: \_\_\_\_\_

**Irrigation:**       No  
 Yes                      Provider name: \_\_\_\_\_

9. **Current use(s) on property:** Single Family Dwelling

10. **What are you proposing to do that requires a Conditional Use Permit?** \_\_\_\_\_

Construct a detached 640 sf ADU for parent

**For the following proposed uses, please attach the appropriate addendum form:**

Business Use, Detached Accessory Dwelling Unit, Child Care Facility (Type B), Bed & Breakfast, Mineral Extraction (Commercial Sand & Gravel), Commercial Kennel, Winery.

11. **Additional comments or information:** \_\_\_\_\_

**If further explanation is needed for any of the questions above, please attach additional pages.**

<b>(FOR STAFF USE ONLY)</b>		Access: Y      N	Application Complete: Y      N
Critical Areas: N	Y: _____	Zoning: _____	
Reviewed by: _____		Date: _____	

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**CONDITIONAL USE PERMIT APPLICATION ADDENDUM  
DETACHED ACCESSORY DWELLING UNIT**

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FEB 06 2023

File No. CUP 2023-003

Applicant Name: Brian Schneider

Benton Co. Planning Dept.

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? 3341
4. What is the square footage of the proposed Accessory Dwelling Unit? 640
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:

Father is going to live in it.

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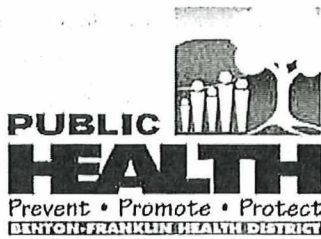
**Please provide a site plan that includes the following:**

- 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

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FEB 06 2023



BENTON-FRANKLIN HEALTH DISTRICT  
 7102 W OKANOGAN PLACE  
 KENNEWICK, WA 99336

Benton Co. Planning Dept.

**Sewage Disposal System Construction**  
**Permit**

**Owner:** Byrnes, Zach  
 87321 Calico Rd  
 Kennewick, WA  
 99338

**Permit Number:** 26665  
**Date Permit Issued:** December 21, 2022  
**Date Permit Expires:** December 21, 2023  
**County:** Benton

**Location Information**

<b>Property Address</b>	87321 Calico Rd	<b>Subdivision/Legal:</b>	Steeplechase PH1
<b>City:</b>	Kennewick	<b>Block:</b>	
<b>Parcel Number:</b>	1-0988-405-0000-056 (parent)	<b>Lot:</b>	56

**This system shall be installed by a licensed installer and be inspected and approved by the Benton-Franklin Health District before being covered. This permit shall expire one year from the date of issuance.**

This permit has been issued based upon presently known site conditions and the information contained on the permit application. Any construction taking place on said property must be as indicated on the permit or revocation of this permit may result. This permit is subject to all applicable zoning laws and it is the permittee's responsibility to comply with said laws prior to system installation. All construction taking place shall be in compliance with Benton-Franklin Health District Rules and Regulations No. 2.

**General Information**

<b>Type of Structure:</b>	Single Family	<b>Number of Bedrooms:</b>	1 bdrm adu
<b>Designed by:</b>	PE	<b>Average Daily Flow:</b>	90
<b>Type of System:</b>	Conventional Gravity	<b>Maximum Daily Flow:</b>	120
<b>Treatment Level:</b>	E		

**Pretreatment Information**

**Septic Tank Size:** 1000 gal.  
**Depth of Burial:** 0-6 inches  
**Outlet Baffle Filter:** No  
**Pump Chamber Size:** N/A  
**Dose Volume:** N/A  
**Reserve Volume:** N/A

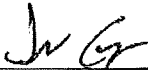
**Drainfield Information**

**Drainfield size:** 603 sq ft  
**Drainlines length:** 67 feet  
**Drainlines number:** 3  
**Maximum trench depth:** 36 inches  
**Aggregate depth:** 12 inches  
**Distribution:** Distribution Box

**Conditions**

- Follow approved plot plan, maintain all setbacks.
- Maintain positive drainage away from the drainfield.
- Drainfield lines may be shifted slightly to follow the contours of the slope.
- All components of the sewage system must be installed in accordance with the engineers plans stamped approved by the Benton-Franklin Health District.
- At such time as a failure to the system occurs, all sewage generating activities must cease until such time as appropriate repairs can be made (i.e. additional site modifications and/or installation of the replacement area.)

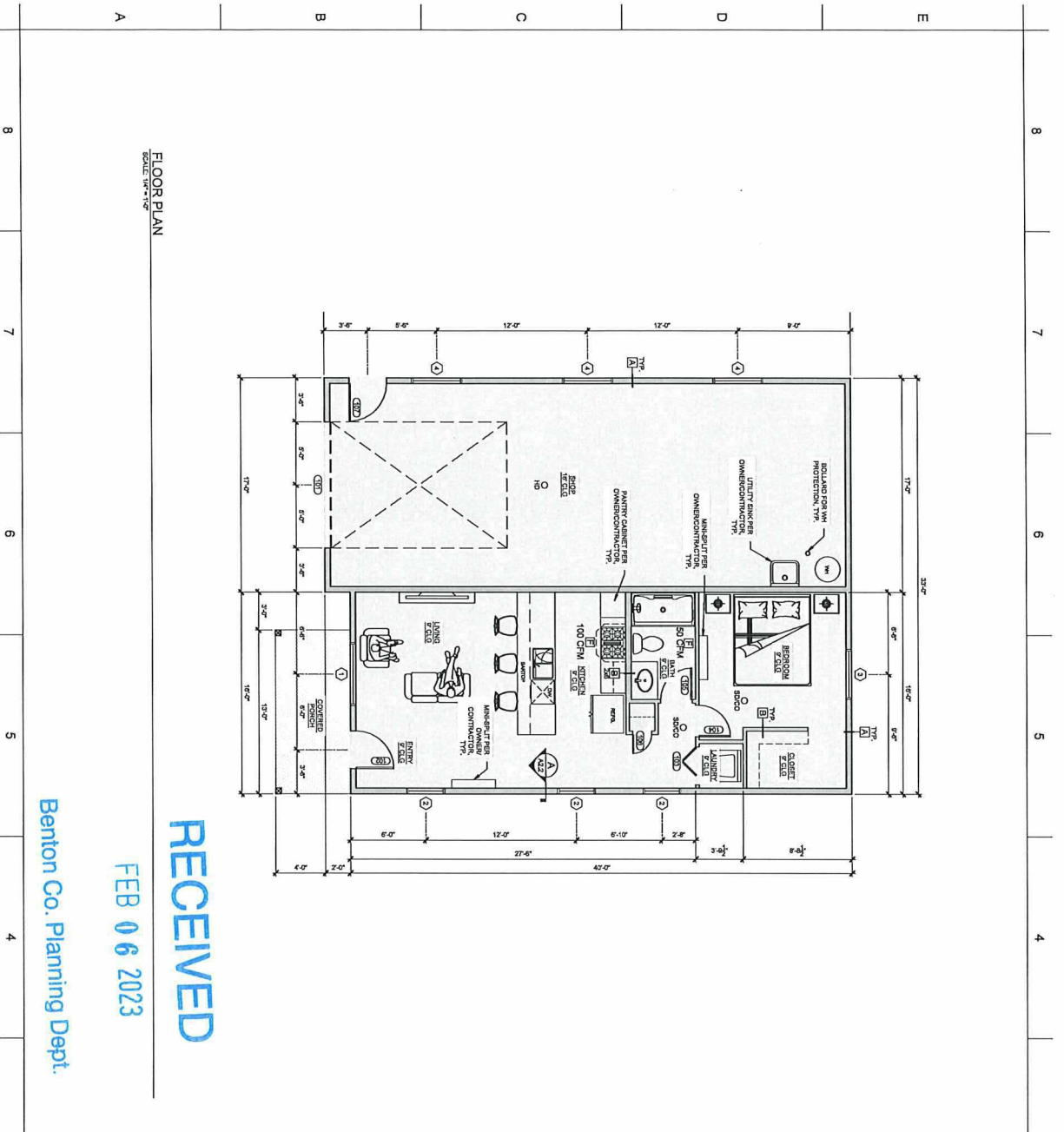
This permit to install an on-site sewage system is granted in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.



---

Justin Gerber  
Environmental Health Specialist

Amy Person M.D.  
District Health Officer



RECEIVED

FEB 06 2023

Benton Co. Planning Dept.

FLOOR PLAN NOTES:  
1. SEE GENERAL NOTES SHEET 01.1.  
2. THE ROOMS MARKED OPENING FOR ATTIC ACCESS SHALL NOT BE LESS THAN 22"X30".

**FLOOR PLAN LEGEND:**

WALL	DESCRIPTION
[Symbol]	2x STUD WALL, SEE WALL TYPES
[Symbol]	WALL TYPES
[Symbol]	FIN
[Symbol]	HEAT DETECTOR
[Symbol]	SMOKE/ANION MONITOR DETECTOR

**MAIN LEVEL WINDOW SCHEDULE**

#	SIZE (W X H)	QTY.	REMARKS
1	6'-0" x 8'-0"	1	MEET WA STATE ENERGY REQUIREMENTS, SAFETY GLAZING
2	3'-0" x 8'-0"	3	
3	4'-0" x 8'-0"	1	EGRESS
4	4'-0" x 2'-0"	3	
TOTAL		8	

**MAIN LEVEL DOOR SCHEDULE**

DOOR NO.	DOOR DIMENSIONS (W X H)	FINIC RESISTIVE RATING	QTY.	LOCATION	REMARKS
101	1'-0" x 4'-0"	-	1	SHOP	METAL OVERHEAD DOOR
102	3'-0" x 8'-0"	-	1	MAIN ENTRY	
103	3'-0" x 8'-0"	-	1	LAUNDRY	SINGLE BI-FOLD DOOR
104	2'-0" x 8'-0"	-	1	BEDROOM	
105	2'-0" x 8'-0"	-	1	BATHROOM	
106	1'-0" x 8'-0"	-	1	LINEN	
107	3'-0" x 8'-0"	-	1	SHOP	

DRAFTER	A GONZALEZ	09/28/2022
DRAFT CHK	D GARZA	09/21/2022
ENGINEER	J RESECK	10/31/2022
ENG CHK	K EMORY	11/07/2022
SHEET SIZE	22"X34"	REV # 0

DESIGNER:

3801 W VAN GIESEN ST  
WEST RICHLAND, WA 99353  
509-210-1010

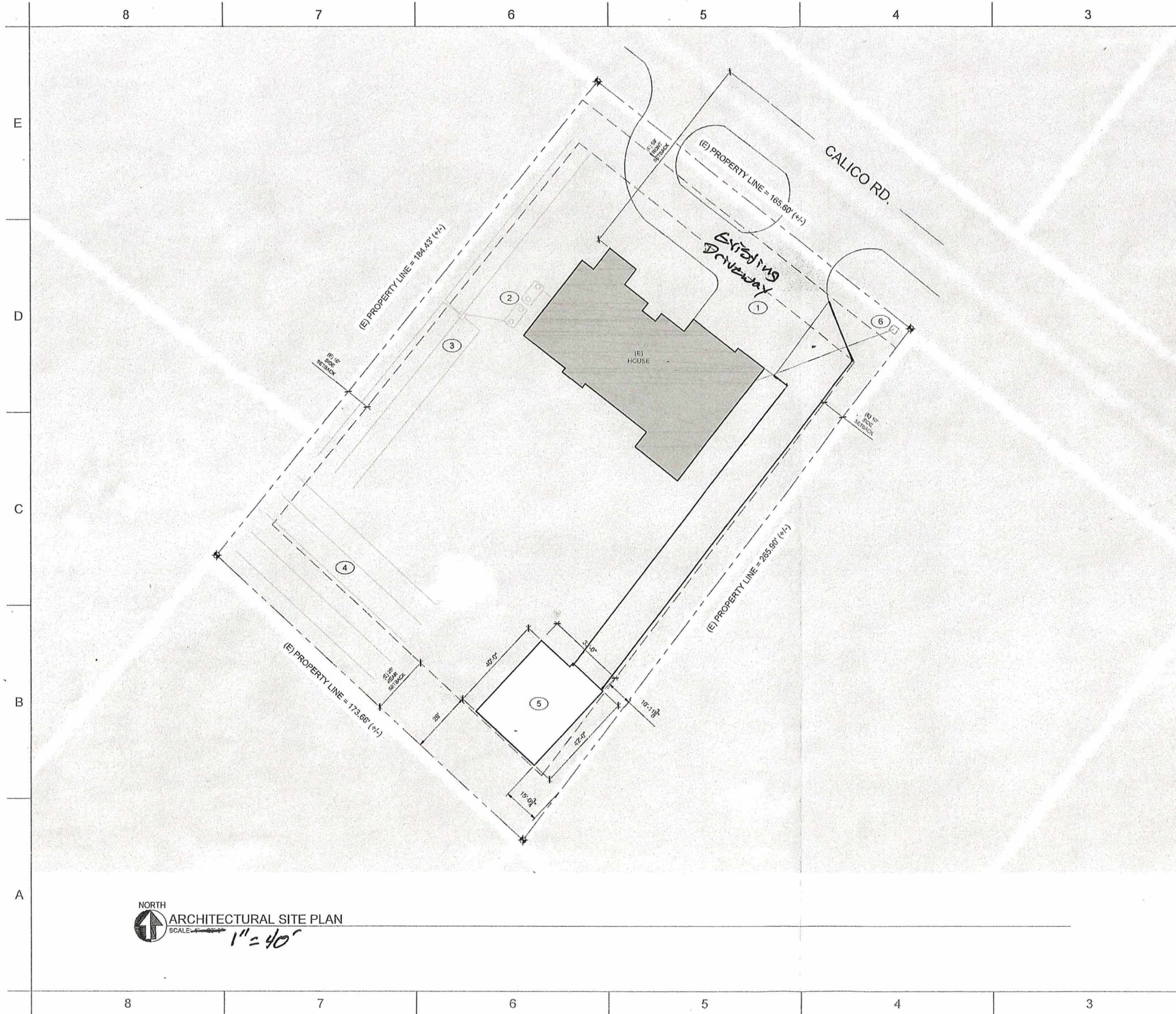
OWNER/PROJECT LOCATION:  
BYRNES RESIDENCE SHOPS/ADU  
87321 CALICO RD  
KENNEWICK, WA 99338

SHEET TITLE: FLOOR PLAN

PROJECT: 1289

SHEET: A1.1

11/06/2022, 11:59:46 AM



NORTH  
ARCHITECTURAL SITE PLAN  
SCALE: 1" = 40'

SITE PLAN NOTES:  
1. SEE GENERAL NOTES ON SHEET G1.1

KEYED NOTES

MARK	DESCRIPTION
①	EXISTING DRIVEWAY
②	EXISTING SEPTIC TANKS
③	EXISTING DRAIN FIELD
④	EXISTING RESERVE DRAIN FIELD
⑤	NEW SHOP / ADU
⑥	WATER MARK

PARCEL INFORMATION

PARCEL NUMBER	109884050000056
LEGAL DESCRIPTION	STEEPLECHASE PHASE 1, LOT 56
SITE ADDRESS	87321 E CALICO RD KENNEWICK, WA 99338
LEGAL ACRES:	1.01 ACRES
ZONING	RL-1

DATE	09/29/2022	DESIGNER	A. GONZALEZ
DRAWN BY	09/21/2022	DRAFT CHK	D. GARZA
ENGINEER	10/31/2022	ENGINEER	J. RESECK
ENG CHK	11/07/2022	ENG CHK	K. EMORY
SHEET SIZE	22" X 34"	REV #	0

DESIGNER:  
**TRI-CITY ENGINEERS**  
3801 W VAN GIESEN ST  
WEST RICHLAND, WA 99553  
509-210-1010

OWNER/PROJECT LOCATION:  
BYRNES RESIDENCE SHOP/ADU  
87321 CALICO RD  
KENNEWICK, WA 99338

SHEET TITLE:  
ARCHITECTURAL SITE PLAN

PROJECT:  
1269  
SHEET:  
A0.1

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FEB 06 2023  
Benton Co. Planning Dept.



11/8/2022, 11:33:40 am

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**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)

**HEM 1.5**

February 7, 2022

Brian Schneider for Zach Byrnes  
6223 W Deschutes Ste 114  
Kennewick, WA 99336

[brian@buildwithschneider.com](mailto:brian@buildwithschneider.com)

RE: Written Determination of Completeness  
File Number: CUP 2023-003

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit for a Detached Accessory Dwelling Unit. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2023-003) 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 as we go through the review process. 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, and the Washington State Department of Health.

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

Sincerely,

---

Liz Koerner, 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**

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

02/09/2022

**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  
Summit View Water Works

**RE:** Agency review of a Conditional Use Permit application  
**File #:** CUP 2023-003  
**Parcel #:** 1-0988-405-0000-056  
**Applicant:** Brian Schneider for Zach Byrnes

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

The applicant is proposing construction of a detached 640 sq. ft. accessory dwelling unit on a parcel with an existing 3,341 sq. ft. single-family residence. The Project address is 87321 E Calico RD Kennewick, WA 99338.

PLEASE SUBMIT YOUR COMMENTS to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **February 24, 2023**. Please reference file number **CUP 2023-003** 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

**Donna Hutchinson**

---

**From:** Justin Gerber <justing@bfhd.wa.gov>  
**Sent:** Monday, February 13, 2023 2:13 PM  
**To:** Elizabeth Koerner  
**Subject:** [EXTERNAL] 2023-003 CUP

**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.

Liz,

A permit for septic was issued for the ADU at 87321 Calico Rd but has not been installed and approve yet. Other than that I have no additional comment. Let me know if you need anything else. Thank you.

**Justin Gerber**

Environmental Health Specialist II

**Benton-Franklin Health District**

7102 W. Okanogan Place,  
Kennewick, WA 99336  
p: 509.460.4330

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



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**Donna Hutchinson**

---

**From:** Tina Glines <glinest@bentonpud.org>  
**Sent:** Monday, February 13, 2023 7:59 AM  
**To:** Elizabeth Koerner  
**Subject:** [EXTERNAL] RE: [E] CUP 2023-003 Schneider for Byrnes Agency Review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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 comments.

Thank you,

*Tina Glines*

Distribution Design Technician  
(509) 582-1241



---

**From:** Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>  
**Sent:** Thursday, February 9, 2023 3:10 PM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Building Department <Building.Department@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Planning Department <Planning.Department@co.benton.wa.us>; Brenda Webb <webbb@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; staff@bentonone.org; svww04@gmail.com; Jodeer@bfhd.wa.gov; rebeccaw@bfhd.wa.gov; shawnb@bfhd.wa.gov  
**Subject:** [E] CUP 2023-003 Schneider for Byrnes Agency Review

**[EXTERNAL EMAIL]**

Good Afternoon,

Attached are the application materials for a detached Accessory Dwelling Unit at 87321 E Calico Rd Kennewick, WA 99338.

Please review and let us know if you have any comments by February 24, 2023.

Thank You,



Liz Koerner

*Associate Planner*

Benton County Community Development Department - Planning Division

102206 E. Wiser Parkway

Kennewick, WA 99338

[Liz.Koerner@co.benton.wa.us](mailto:Liz.Koerner@co.benton.wa.us)

(509) 786-5612



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

## **NOTICE OF OPEN RECORD HEARINGS**

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

NOTICE IS FURTHER GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications **on March 17, 2023** at 10 a.m. in the Planning Hearing Room, First Floor Courthouse, 620 Market Street, Prosser WA 99350. The hearings will be held in-person and virtually/telephonically via Webex. 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>

**CONDITIONAL USE PERMIT –CUP 2023-001** - For an outdoor reception facility (event center) with permanently affixed restroom accommodations, and a 125-space parking area. Events held on-site shall not exceed two hundred (200) attendees and will be limited to conditions determined through the Conditional Use Permit process. The project is located in the Finely area, approximately 1 mile east of the intersection of Oak Street and Game Farm Road, across from Santiago County View Estates Mobile Home Park, at site address 201005 E Game Farm Road, Kennewick, WA. The parcel is legal described as Lot 1 of Short Plat 3728 in Section 29, Township 08 North, Range 30 East, W. M., parcel number 129801013728001.

NOTICE IS FURTHER GIVEN that the above proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a Determination of Non-Significance has been issued. Accordingly, an Environmental Impact Statement is not required. This determination was made on February 24, 2023. Any comments regarding the determination and the environmental impacts of the proposal can be made at the hearing before the Hearings Examiner at the time and place indicated above or be made in writing to the Planning Department by 5 p.m. on March 16, 2023.

**CONDITIONAL USE PERMIT – CUP 2023-002** The applicant is proposing construction of a detached 500 sq. ft. accessory dwelling unit on a parcel with an existing 4,500 sq. ft. single-family residence and 1,200 sq. ft shop building. The Project address is 42212 E Ridge Crest Loop Benton City, WA 99320.

**CONDITIONAL USE PERMIT –CUP 2023-003** The applicant is proposing construction of a detached 640 sq. ft. accessory dwelling unit on a parcel with an existing 3,341 sq. ft. single-family residence. The Project address is 87321 E Calico Rd Kennewick, WA 99338.

**VARIANCE PERMIT - VAR 2023-001** The applicant is requesting a variance to reduce the South side and East rear property line setbacks by 5' each in the Urban Growth Area Residential District in Kennewick, Washington for an accessory building. The granting of a variance would

allow the applicant to have a side and rear setback of 5' total from the property lines.

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 the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick 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 24th day of February 2023.

PUBLICATION DATE: March 1, 2023

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager  
Community Development Department