

EXHIBIT LIST FOR CUP 2023-004
Kevin & Melissa Reasoner/ B-N-B Kennels

Hearings Examiner Staff Memo Exhibit List - May 12, 2023 hearing		
HEM 1.1	Staff Memo	April 5, 2023
HEM 1.2	Vicinity map	April 7, 2023
HEM 1.3	Application	February 21, 2023
HEM 1.4	Site Plan	February 22, 2023
HEM 1.5	Written Determination of Completeness	February 27, 2023
HEM 1.6	Agency review request	February 27, 2023
HEM 1.7	Comments from BNSF	February 28, 2023
HEM 1.8	Comments from Columbia Irrigation District	February 27, 2023
HEM 1.9	Comment from Benton PUD	March 6, 2023
HEM 1.10	Comment from Public Works	March 6, 2023
HEM 1.11	Comment from WSDOT	March 29, 2023
HEM 1.12	Comment from BFHD	May 5, 2023
HEM 1.13	2018 Original Staff Memo	July 5, 2018
HEM 1.14	2018 Original Decision	July 26, 2018
HEM 1.15	Notice of Open Record Hearings	April 19, 2023
Exhibits Submitted During Hearing or while record remained open		
HEH 1.1		
HEH 1.2		
HEH 1.3		
HEH 1.4		
HEH 1.5		
HEH 1.6		
HEH 1.7		
HEH 1.8		
HEH 1.9		
HEH 1.10		

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division

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

HEM 1.1

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Michelle Mensonides dba BnB Pet Retreat
Amendment to Commercial Kennel CUP**

FILE NO: CUP 2023-004

HEARING DATE: May 12, 2023

OWNER/APPLICANT: Michelle Mensonides, 210211 E SR 397, Kennewick, WA 99337

LOCATION: General Location: The property is located approximately 0.23 miles northwest of the intersection of SR 397 and Haney Road in the Kennewick area of unincorporated Benton County, Washington.

Address: 210211 E SR 397, Kennewick, WA 99337

Abbreviated Legal: Section 16, Township 08 N, Range 30 E W.M: The northeast quarter of the southeast quarter, lying south of the railroad right of way declaration of covenant 4-9-81. Right of way easement 4-1-81.

Parcel Number: 1-1680-400-0007-000

PROPERTY SIZE: Approximately 8.52 Acres

AREA TO BE USED: Approximately 1.85 acres total including an existing 5,564 sq. ft. outbuilding with a proposed 896 sq. ft. addition.

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 nineteen (19) Findings of Fact and nine (9) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is proposing an amendment to the Conditions of Approval for CUP 2018-006 to expand the operation of an existing commercial kennel. The proposed amendment would allow for up to four (4) non-resident employees, the construction a 28 foot by 32 foot addition to the existing kennel structure, and increased capacity of the facility from 70 dogs to 120 pets (cats and dogs) in total.

The property is approximately 8.52 acres in size and is zoned Rural Lands Five Acre District (RL-5). The site has a 2,164 square foot single family dwelling and an existing kennel operation within a 5,564 square foot outbuilding and approximately 4,000 square feet of fenced outdoor play area. (HEM 1.3)

The application for CUP 2023-004 was submitted to the Benton County Planning Division on February 21, 2023. (HEM 1.3)

The application was declared complete for processing on February 27, 2023. (HEM 1.5)

The application documents were distributed to reviewing agencies on February 27, 2023. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2023-004 was published on April 26, 2023, in the Prosser Record Bulletin. (HEM 1.15)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 21, 2023.

The Open Record Hearing is scheduled for May 12, 2023.

APPLICABLE STANDARDS/ORDINANCES:

1. *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.
2. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.03 Definitions
Section 11.03.010 (95): Kennel, Commercial
Kennel, Commercial means any premises on which more than four (4) dogs, each more than six (6) months old are housed, groomed, bred, boarded, trained, or sold.
3. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.11 Rural Lands Five Acre District (RL-5)
Section 11.11.060 Uses Requiring a Conditional Use Permit
(f) Kennel, commercial.
4. *Benton County Code (BCC)*
Title 11 Zoning

Chapter 11.50 Variance and Conditional Use

Section 11.50.040 Conditional Use - 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.

Section 11.50.040 (d) Conditional Use – Permit Granted or Denied

A conditional use permit shall be granted only if the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow the Hearings Examiner to conclude that, as conditioned, the proposed use:

- (1) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- (2) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (3) Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (4) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- (5) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made. If such evidence is not presented or all necessary reasonable conditions are not identified by the applicant so as to allow the Hearings Examiner to make the conclusions required above, the conditional use application shall be denied.

In addition to considering the impacts of the proposed use, the Hearings Examiner must also consider any evidence presented regarding any similar impacts of uses allowed outright in this zone, and if such evidence is received, compare those impacts to those of the proposed use.

If negative impacts are identified, the Hearings Examiner must try to identify reasonable conditions that would mitigate those impacts sufficiently to allow the Hearings Examiner to make the findings necessary to grant the permit. The applicants may be asked to identify reasonable conditions, but the Hearings Examiner may independently identify conditions. Further, an applicants' disagreement with a particular condition should not dissuade the Hearings Examiner from granting the permit with such condition(s), as opposed to outright denial, if the Hearings Examiner is able to conclude that the condition(s) is/are reasonable in their judgment.

5. *Washington State Revised Code of Washington (RCW)*
Title 16 RCW Animals and Livestock
Chapter 16.08 Dogs
Section 16.08.010 Liability for injury to stock by dogs.
Section 16.08.020 Dogs injuring stock may be killed.
Section 16.08.040 Dog bites—Liability.
Section 16.08.050 Entrance on private property, when lawful.
Section 16.08.060 Provocation as a defense.
Section 16.08.070 Dangerous dogs and related definitions.
Section 16.08.080 Dangerous dogs—Notice to owners—Right of appeal—Certificate of registration required—Surety bond—Liability insurance—Restrictions.
Section 16.08.090 Dangerous dogs—Requirements for restraint—Potentially dangerous dogs—Dogs not declared dangerous.
Section 16.08.100 Dangerous dogs—Confiscation—Conditions—Duties of animal control authority—Penalties and affirmative defenses for owners of dogs that attack.
Section 16.08.110 Breed-based regulations.

6. *Washington State Revised Code of Washington (RCW)*
Title 16 RCW Animals and Livestock
Chapter 16.52: Prevention of Cruelty to Animals
Section 16.52.310: *Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.*
 - (1) A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.
 - (2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:
 - (a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down

simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

- (i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
- (ii) Housing facilities must enable all dogs to remain dry and clean;
- (iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
- (iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;
- (v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;
- (vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;
- (vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and
- (viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with

other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

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 February 9, 2023.
 - a. Benton County Public Works Department
 - b. Benton County Fire District #1
 - c. Benton County Building Division
 - d. Benton County Fire Marshal
 - e. Benton County Code Enforcement
 - f. Benton-Franklin Health District
 - g. Benton PUD

- h. Burlington Northern Santa Fe Corporation.
 - i. Columbia Irrigation District
 - j. Washington State Department of Transportation
2. The following comments were received from the Burlington Northern Santa Fe Corporation: **(HEM 1.7)**
 - a. The only agreement that can be located for use of this Private (vehicular) Crossing is under Spence D. Killian dba Happy Camp Kennels for utilization of DOT No. 910082W. The user would need to gain an agreement for continued utilization of the crossing for commercial and residential use by completing two separate Private Crossing applications at BNSF.RailPermitting.com. BNSF would then review and move the process forward accordingly.
 - b. For more information, please contact Blake Jung at (817) 352-1009
 3. The following comments were received from the Washington State Department of Transportation: **(HEM 1.11)**
 - a. The subject property is adjacent to State Route 397 (SR 397), a Class 3 managed access facility with a posted speed limit of 50 miles per hour. The property has an existing grandfathered approach at milepost 14.13 left. The property owner is required to contact Mark Kaiser of the WSDOT South Central Region Planning Office at (509) 577-1668 to obtain a new Access Connection Permit (ACP) permit. No new approaches will be allowed.
 - b. For more information, please contact Jacob Prilucik at (509) 577-1635
 4. The following comments were received from the Benton Franklin Health District: **(HEM 1.12)**
 - a. The existing septic system needs to be pumped and in good working order.
 - b. The well must be an approved public water supply.
 - c. For more information, please contact Rebecca Warrington at (509) 460-4335
 5. The following are general comments and discussion points 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: The subject parcel and adjoining parcels are predominantly residential in use with single-family homes and residential accessory uses.
 - d. A SEPA Environmental checklist was not required for this application.
 - 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 2023-004 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 Michelle Mensonides dba BnB Pet Retreat, 210211 E SR 397, Kennewick, WA 99336.
2. The applicant is requesting an amendment to the Conditions of Approval for CUP 2018-006 to expand the operation of an existing commercial kennel.
3. The proposed amendment would allow for up to four (4) non-resident employees, the construction a 28 foot by 32 foot addition to the existing kennel structure, and increased capacity of the facility from 70 dogs to 120 pets (cats and dogs) in total.
4. The property is located approximately 0.23 miles northwest of the intersection of SR 397 and Haney Road in the Kennewick area of unincorporated Benton County, Washington.
5. The property is approximately 8.52 acres in size and is zoned Rural Lands Five-Acre (RL-5) District.
6. The site currently consists of a 2,164 square foot single family dwelling and an existing kennel operation within a 5,564 square foot outbuilding and approximately 4,000 square feet of fenced outdoor play area.
7. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
8. The proposed amendments to the conditions of approval for CUP 2018-006 are allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
9. The application for CUP 2023-004 to amend CUP 2018-006 is consistent with the Growth Management Act, RCW 36.70A.
10. The application for CUP 2023-004 to amend CUP 2018-006 is consistent with the goals and policies of the Benton County Comprehensive Plan.
11. The application for CUP 2023-004 to amend CUP 2018-006 is consistent with the requirements of the Benton County Zoning Code.
12. The property, application and stated uses meet the requirements and standards of RCW

Title 16.08 and RCW 16.52.310.

13. The application for CUP 2023-004 to amend CUP 2018-006 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.
14. The application for CUP 2023-004 to amend CUP 2018-006 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.
15. The pedestrian and vehicular traffic caused by the application for CUP 2023-004 to amend CUP 2018-006 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.
16. A SEPA checklist was not required for CUP 2023-004.
17. The application for CUP 2023-004 to amend CUP 2018-006 will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
18. The application for CUP 2023-004 to amend CUP 2018-006 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.
19. Agency comments were received from:
 - a. Burlington Northern Santa Fe Corporation
 - b. The Washington State Department of Transportation
 - c. The Benton Franklin Health District

SUGGESTED CONDITIONS OF APPROVAL

1. The ongoing commercial kennel activities on the site shall comply with the original Conditions of Approval from CUP 2018-006 in addition to the site plan and materials submitted for the application for CUP 2023-004.
2. Fencing shall be maintained in good repair and utilized to safely secure the dogs on the applicant's property.
3. Dogs shall not be allowed to run free across property boundaries and shall be kept within buildings or fenced areas.
4. There will be a total of no more than 120 pets (cats and dogs) associated with the kennel operation onsite at any time.
5. The submitted waste management plan shall be followed for the disposal of animal waste generated by the business.

6. Vehicle parking associated with the activities on the property shall be accommodated on the site.
7. The operation shall comply with the Benton County Code Title 11 and the Revised Code of Washington Title 16 for the life of the conditional use.
8. All required development permits/approvals shall be obtained prior to issuance of the Conditional Use Permit. This includes approval of permits required by the following agencies, as applicable:
 - a. Benton County Building Division
 - b. Benton County Public Works
 - c. Benton County Planning Division
 - d. Benton Franklin Health District
 - The septic system needs to be pumped and in good working order.
 - The kennel operation will need to be served with an approved public water supply.
 - e. Burlington Northern Santa Fe Corporation
 - The applicant will coordinate with Burlington Northern Santa Fe Corporation to gain an agreement for continued utilization of the crossing for commercial and residential use.
 - f. The Washington State Department of Transportation
 - Applicant will coordinate with Washington State Department of Transportation obtain a new Access Connection Permit (ACP) permit.
9. Applicant will coordinate with Benton PUD for any additional power needs.

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 operate a commercial kennel, 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.

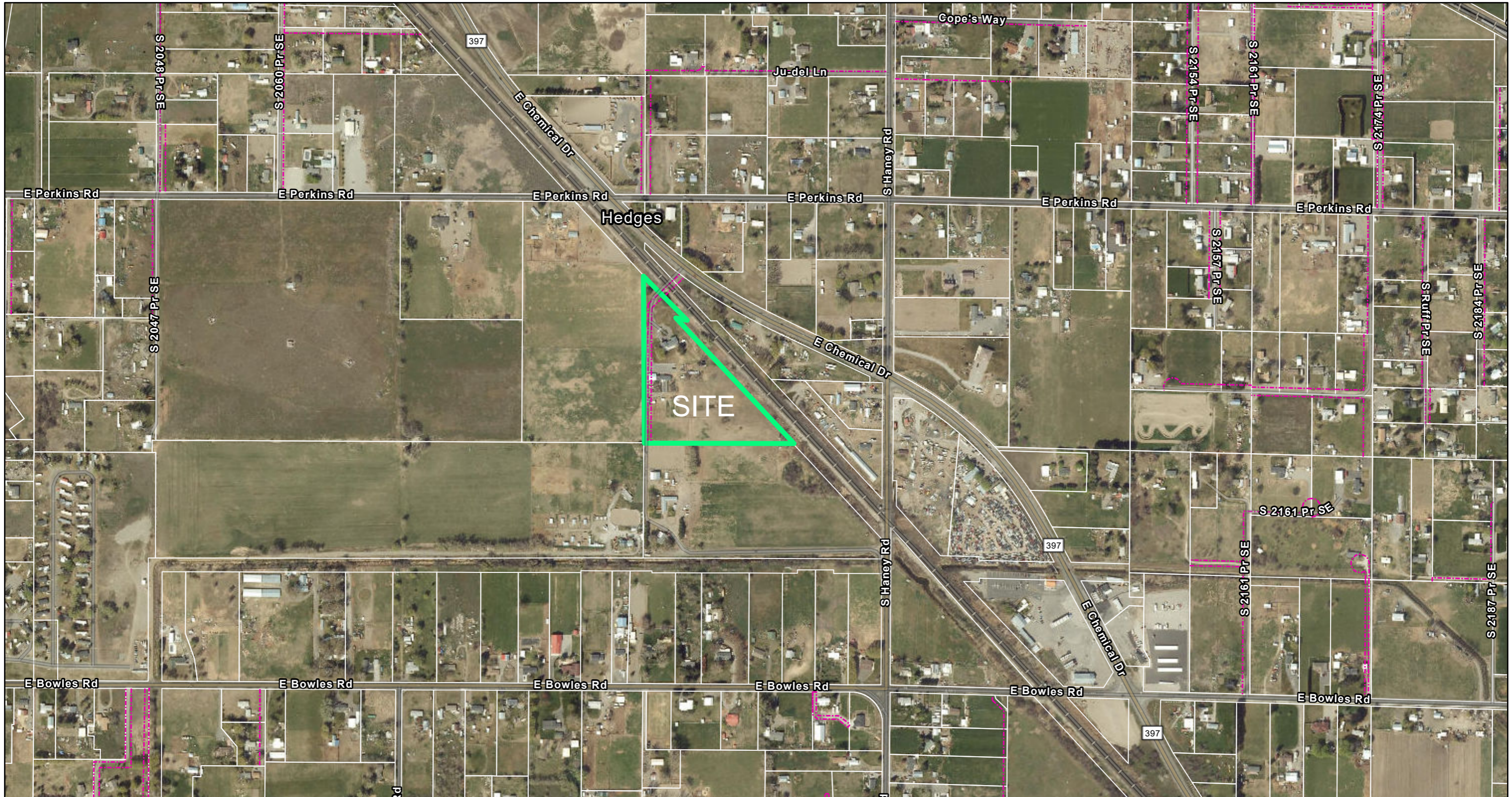
Violations of Conditions of Approval:

The applicant shall continue to meet all conditions of CUP 2018-006 and this Conditional Use Permit while CUP 2023-004 is in effect.

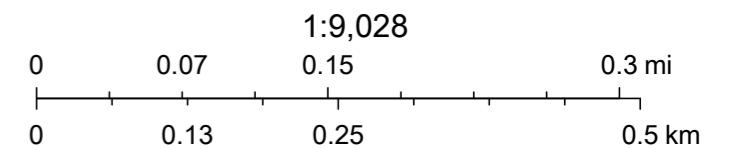
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with 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.

CUP 2023-004 Vicinity Map

HEM 1.2



4/19/2023, 3:51:21 PM



Benton County WA, Geopex Surveys Ltd., Maxar, Esri
Community Maps Contributors, Oregon State Parks,
State of Oregon GEO, WA State Parks GIS, ©
OpenStreetMap, Microsoft, Esri, HERE, Garmin,

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, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

CONDITIONAL USE PERMIT APPLICATION **RECEIVED**

File No. CUP 2023-004

FEB 21 2023

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Michelle Mensonides

Mailing Address: 210211 E SR 397 City: Kennewick State: WA ZIP: 99337

Phone #1: 509-492-6751 Phone #2: 509-830-3963

Email Address(es): bnbpetretreat@gmail.com

Signature: Michelle A Mensonides Date: 2/10/23

Name of Property Owner(s) (if different): Cornwerd Enterprises, LLC

Mailing Address: 210211 E SR 397 City: Kennewick State: WA ZIP: 99337

Phone #1: 509-492-6751 Phone #2: 509-830-3963

Email Address(es): bnbpetretreat@gmail.com

Signature: _____ Date: _____

Signature: Michelle A Mensonides Date: 2/10/23

*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: Michelle A. Mensonides

Officer name: co-owner Title: co-owner

Signature: Michelle A Mensonides Date: 2/10/23

THE ABOVE SIGNED OFFICER OF (name of entity) Cornwerd Enterprises, LLC WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT (name of applicant) Michelle Mensonides 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

4. Subject property address including city: 210211 E SR 397, Kennewick

5. Parcel #(s): 1 - 1680-400-0007-000 - - - - -

6. Acreage: 8.52

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: _____

Gas: No Yes
 Provider name: Amerigas

Irrigation: No Yes
 Provider name: _____

9. Current use(s) on property: Residence, commercial kennel

10. What are you proposing to do that requires a Conditional Use Permit? increase employees from 0-4 (2 full time, 2 part time), increase # of dogs to 120, add a building 28'x32'

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: previous owner did permit. she had 0- employees but we need employees (4). The kennel can have more dogs than stated for previous owner. We want to add a few suites which will entail adding a building

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

(FOR STAFF USE ONLY)
 Application Complete: Y N
 Critical Areas: N Y
 Zoning: RLS
 Reviewed by: [Signature]
 Date: 2/24/23

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RECEIVED
FEB 21 2023

CONDITIONAL USE PERMIT APPLICATION ADDENDUM BUSINESS ACTIVITIES/USE

File No. CUP 2023-004 Applicant Name: Mensonides, Michelle & Sybren

Benton Co. Planning Dept.

1. Type of business you wish to operate on the property: _____
Continue operation of a Commercial Pet Boarding Kennel that is already on the property.
2. Is there a single-family dwelling currently on the property? Yes No
If yes, please list the names of those living in the home. Sybren & Michelle Mensonides
3. Who are the proprietors of the business? Sybren & Michelle Mensonides
4. Where on the property will the business be conducted? South of the residence, there is yard and large asphalt parking area between residence and the boarding facility.
5. Square footage of the accessory building where the business will be conducted current 4,200; add 900 sq. ft
6. Does the landowner currently have any other land use permits? Cup permit started for kennel
7. Size and type of signage to be used: Existing 4' x 8' wooden sign, not above 5' tall
8. Estimated number of visitors to the property **on a daily & weekly basis:** 2-10 daily/ 14-60 weekly
9. Number of employees who do not live on site: 4 employees, mostly part time
10. Number of off-street parking spaces available: 10+
11. Hours of operation for the business: Monday - Saturday 7-10 am, 3-6 pm and Sundays 6-8 pm
12. Do you plan to have outdoor lighting, site screening or fencing? Yes No
If yes, please describe where it will be, what kind, etc. 2 Benton PUD overhead lights on driveway
Chain link fencing for play yards on both sides of the facility, including fencing outside of the outdoor dog runs.

Additional Information:

Permit was started with previous owner. We are finishing it but need to 1) add employees, 2) would like to add an attached building for suites and 3) increase pet allowance to 120. We do not plan to have that many but Tri-cities is growing and boarding facilities like ours are not. We may need to increase the number for the community.

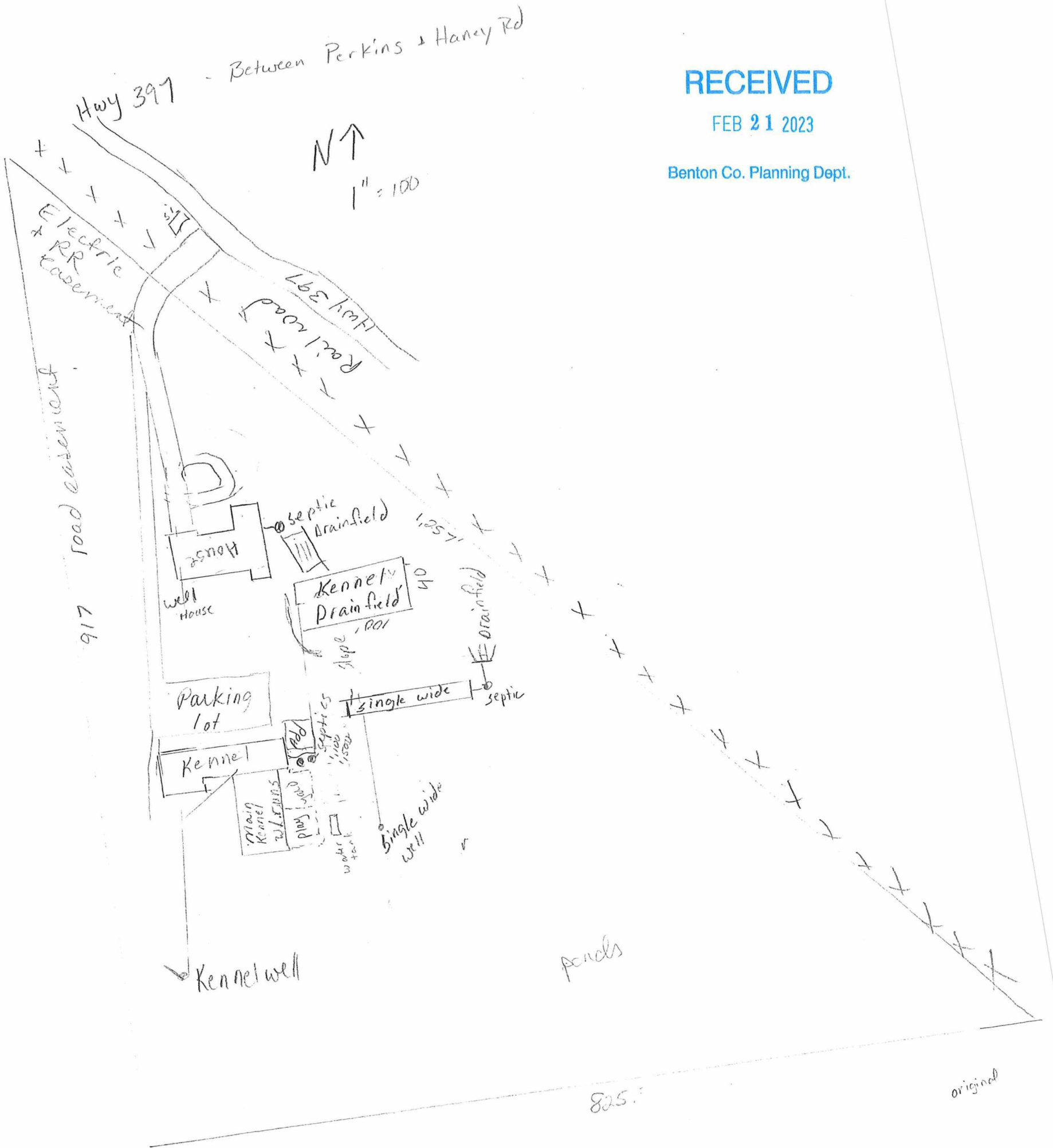
Please provide a site plan that includes the following:

- 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.
- Where parking will be for the main home and the business

RECEIVED

FEB 21 2023

Benton Co. Planning Dept.



original

Home parking
in front of
home +
2 car garage

Residence Home

N ↑
1" = 30'

2 PUD light poles
on drive way

↑ Hwy 397
Extra parking if needed
Asphalt
drive

house well

House & Kennel
wells are
connected with
open/close valve
behind pole
building. We
keep closed.
It was for
extra sprinklers

Lawn

RECEIVED

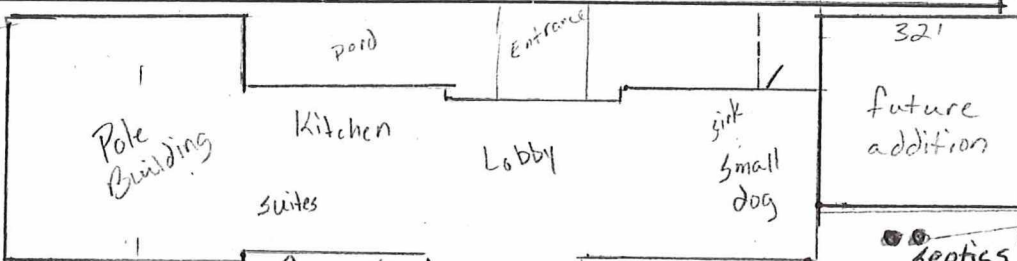
FEB 21 2023

Benton Co. Planning Dept.

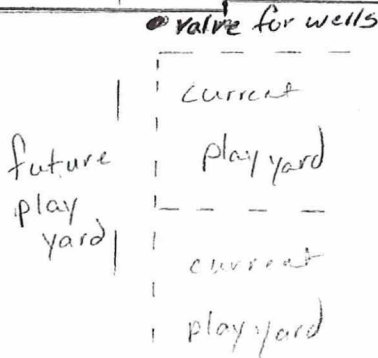
to
40' x 100'
drainfield

water line

Asphalt Business
parking



Drive to back area



current play yard

current play yard

septic 1500
pump
future play yard 1100

future play area yard

Fire Dept. water tank

area back here may be eventually used as play yards. All dog boarding fencing will be a min. of 6'.

● Kennel Well (approx. area)

(waiting for call back from fire Chief regarding tank. Size + area of new play yards will depend on area they need for access of tank - if needed. mess. left 2/9/23)

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division

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

HEM 1.5

February 27, 2023

Michelle Mensonides
210211 E SR 397
Kennewick, WA 99337

bnbpetretreat@gmail.com

RE: Written Determination of Completeness
File Number: CUP 2023-004

Dear Applicant,

This office is in receipt of your project permit application to amend a Conditional Use Permit for a commercial kennel operation. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2023-004) 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,

A handwritten signature in cursive script that reads "Andrea Watts".

Andrea Watts, Senior Planner
Benton County Planning Division

Nikki Relyea

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, February 27, 2023 10:10 AM
To: Gary Tiplady; Cristina Woods; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov); Benton Franklin Health District - Rebecca Warrington ; Justin Gerber; Benton Franklin Health District - JoDee Peyton; Code Enforcement; Columbia Irrigation District; Fire District #1 - Staff; Brian Bell; Brad O'Brien; BNSF Permit Management - Blake Jung (blake.jung@am.jll.com); katie.robles@am.jll.com; Benton PUD - Brenda Webb; Benton PUD - Chad Brooks; Benton PUD - Nancy Lang; Benton PUD - Shanna Everson; Benton PUD - Tina Glines (glinest@bentonpud.org)
Cc: Planning Department
Subject: CUP 2023-004 BnB Kennels Amendment Agency Review Request
Attachments: CUP 2023-004 Site Plan 2.pdf; CUP 2023-004 Site Plan.pdf; CUP 2023-004 BnB Kennels Amendment Application.pdf; CUP 2023-004 BnB Kennels Amendment Plan.pdf

Good morning.

The Benton County Planning Division has received an application to amend an existing Conditional Use Permit for a Commercial Kennel at 210211 E SR 397 KENNEWICK, WA 99336.

This proposed amendment will increase the number of employees to 4 (part time), allow for an additional accessory building, and increase the pet allowance to 120.

Please review the attached application materials and get back to me with any comments or questions by March 13th, 2023.

Regards,

Andrea Watts

From: Jung, Blake <Blake.Jung@jll.com>
Sent: Tuesday, February 28, 2023 10:26 AM
To: Andrea Watts
Subject: RE: CUP 2023-004 BnB Kennels Amendment Agency Review Request

Andrea,

The only agreement that can be located for use of this Private (vehicular) Crossing is under Spence D. Killian dba Happy Camp Kennels for utilization of DOT No. 910082W. The user would need to gain an agreement for continued utilization of the crossing for commercial and residential use by completing two separate Private Crossing applications at BNSF.RailPermitting.com. BNSF would then review and move the process forward accordingly.

Blake W. Jung
Manager, Permits
Rail Practice Group
2650 Lou Menk Drive – MOB 1
Fort Worth, TX 76131
Phone: 817-352-1009



From: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Sent: Tuesday, February 28, 2023 12:07 PM
To: Jung, Blake <Blake.Jung@jll.com>
Subject: [EXTERNAL] RE: CUP 2023-004 BnB Kennels Amendment Agency Review Request

Caution: Message from external sender

Good morning,

You were provided this is application due to the increased vehicular traffic over an existing BNSF crossing. If you have no concerns regarding the increased traffic for business activities then I will note you have no comments.

Regards,



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

From: Jung, Blake <Blake.Jung@jll.com>

Sent: Tuesday, February 28, 2023 9:26 AM

To: Planning Department <Planning.Department@co.benton.wa.us>

Subject: RE: CUP 2023-004 BnB Kennels Amendment Agency Review Request

Morning,

I'm not sure why this is being provided to me, as I would only assist if your needing to gain a Private Vehicular Crossing or Environmental Access Agreement from BNSF Railway. Please remove me from your list unless I can be of assistance.

Blake W. Jung

Manager, Permits

Rail Practice Group

2650 Lou Menk Drive – MOB 1

Fort Worth, TX 76131

Phone: 817-352-1009



From: Planning Department <Planning.Department@co.benton.wa.us>

Sent: Monday, February 27, 2023 12:10 PM

To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; Columbia Irrigation District <CID@columbiairrigation.com>; Fire District #1 - Staff <staff@bentonone.org>; Brian Bell <Brian.Bell@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Jung, Blake <Blake.Jung@jll.com>; Robles, Katie <Katie.Robles@jll.com>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>

Cc: Planning Department <Planning.Department@co.benton.wa.us>

Subject: [EXTERNAL] CUP 2023-004 BnB Kennels Amendment Agency Review Request

Caution: Message from external sender

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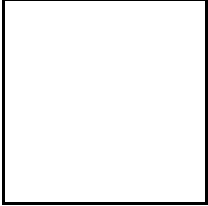
Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612



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Jones Lang LaSalle

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Andrea Watts

From: CID <cid@columbiairrigation.com>
Sent: Monday, February 27, 2023 10:35 AM
To: Planning Department
Subject: [EXTERNAL] RE: CUP 2023-004 BnB Kennels Amendment Agency Review Request

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 morning,

CID has no comments.

Thank you,

Lila Freshment

Office Manager
Columbia Irrigation District
10 E Kennewick Avenue
Kennewick, WA 99336
Phone: (509) 586-6118
Fax: (509) 586-0485
lfreshment@columbiairrigation.com

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, February 27, 2023 10:10 AM
To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; CID <cid@columbiairrigation.com>; Fire District #1 - Staff <staff@bentonone.org>; Brian Bell <Brian.Bell@co.benton.wa.us>; Brad O'Brien <Brad.O'Brien@co.benton.wa.us>; BNSF Permit Management - Blake Jung (blake.jung@am.jll.com) <blake.jung@am.jll.com>; katie.robles@am.jll.com; Benton PUD - Brenda Webb <webbbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>
Cc: Planning Department <Planning.Department@co.benton.wa.us>
Subject: CUP 2023-004 BnB Kennels Amendment Agency Review Request

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Please review the attached application materials and get back to me with any comments or questions by March 13th, 2023.



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

Elizabeth Koerner

From: Chad Brooks <brooksc@bentonpud.org>
Sent: Monday, March 6, 2023 7:52 AM
To: Planning Department
Subject: [EXTERNAL] RE: [E] CUP 2023-004 BnB Kennels Amendment Agency Review Request

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.

Contact Benton PUD for power needs on building addition.

Chad Brooks
 Distribution Design Tech II
 Benton PUD
 Email: brooksc@bentonpud.org
 Main # (509)582-2175
 Direct # (509)582-1233
 My Hours Mon-Thur 6:30am-5pm
 Benton PUD offices closed on Fridays



From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, February 27, 2023 10:10 AM
To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; Columbia Irrigation District <CID@columbiairrigation.com>; Fire District #1 - Staff <staff@bentonone.org>; Brian Bell <Brian.Bell@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; BNSF Permit Management - Blake Jung (blake.jung@am.jll.com) <blake.jung@am.jll.com>; katie.robles@am.jll.com; Brenda Webb <webbb@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Nancy Lang <langn@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>
Cc: Planning Department <Planning.Department@co.benton.wa.us>
Subject: [E] CUP 2023-004 BnB Kennels Amendment Agency Review Request

[EXTERNAL EMAIL]

Good morning.

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Please review the attached application materials and get back to me with any comments or questions by March 13th, 2023.

Regards,

From: Cristina Woods
Sent: Monday, March 6, 2023 11:57 AM
To: Planning Department
Subject: RE: CUP 2023-004 BnB Kennels Amendment Agency Review Request

Good morning

BC Public Works has no comments as it connects to a state route.

Thank you



Cristina Woods, MS • *Engineering Associate III*
Benton County Public Works
102206 Wisner Parkway , Kennewick WA, 99338
cristina.woods@co.benton.wa.us
(509) 786-5611

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, February 27, 2023 10:10 AM
To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; Columbia Irrigation District <CID@columbiairrigation.com>; Fire District #1 - Staff <staff@bentonone.org>; Brian Bell <Brian.Bell@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; BNSF Permit Management - Blake Jung (blake.jung@am.jll.com) <blake.jung@am.jll.com>; katie.robles@am.jll.com; Benton PUD - Brenda Webb <webbbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>
Cc: Planning Department <Planning.Department@co.benton.wa.us>
Subject: CUP 2023-004 BnB Kennels Amendment Agency Review Request

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Please review the attached application materials and get back to me with any comments or questions by March 13th, 2023.

Regards,



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

March 29, 2023

Benton County Planning Department
PO Box 910
Prosser, WA 99350

Attention: Andrea Watts, Senior Planner

Subject CUP 2023-004 BnB Kennels Amendment
SR 397 milepost 14.13 left

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

The subject property is adjacent to State Route 397 (SR 397), a Class 3 managed access facility with a posted speed limit of 50 miles per hour. The property has an existing grandfathered approach at milepost 14.13 left. The property owner is required to contact Mark Kaiser of the WSDOT South Central Region Planning Office at (509) 577-1668 to obtain a new Access Connection Permit (ACP) permit. No new approaches will be allowed.

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

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

PG: jjp/mnk

cc: SR 397, File #2023_002
Larry Wilhelm, Area 3 Maintenance Superintendent

Nikki Relyea

Typo Typo

From: Rebecca Warrington <rebeccaw@bfhd.wa.gov>
Sent: Friday, May 5, 2023 4:57 PM
To: Planning Department
Subject: [EXTERNAL] RE: CUP 2023-004 BnB Kennels Amendment Agency Review Request

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,

I apologize I sent over the comments for this one this morning.

For our purposes the septic systems needed to be pumped and all were in good working order. The only other thing that they need to complete is getting the well to be a public water supply. They have an engineer that they are working with to complete the paperwork for the Group B (public water supply). Once that is complete they will have satisfied our requirements.

Hope that this helps sorry my email didn't go through this morning.

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 rebeccaw@bfhd.wa.gov



Follow us on   

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, May 5, 2023 3:44 PM
To: Rebecca Warrington <rebeccaw@bfhd.wa.gov>
Subject: FW: CUP 2023-004 BnB Kennels Amendment Agency Review Request

Hi there!

So sorry to keep pestering you but I got some clarification from Michelle that if we don't have those comments by the end of the day we're going to have to postpone the application to the June hearing. I wanted to give you a heads up before I tell the applicants. I'm going to wait a little bit in the hopes that you get back from the field and have a sec to shoot me some comments.

Short, simple, and easy is all I need. I don't even need complete sentences!



Andrea Watts

Senior Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

From: Planning Department <Planning.Department@co.benton.wa.us>

Sent: Tuesday, April 25, 2023 2:57 PM

To: Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>

Subject: FW: CUP 2023-004 BnB Kennels Amendment Agency Review Request

Good afternoon,

I just wanted to follow up on this Conditional Use Permit application to make sure I have any comments BFHD may have. The application is to amend a CUP from 2018 for a commercial kennel operation at 210211 E SR 397 KENNEWICK, WA 99336.

They are proposing to expand the operation from 70 animals to 120, add 4 employees, and construct a 900 sq foot addition.

Thank you!



Andrea Watts

Senior Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

From: Planning Department <Planning.Department@co.benton.wa.us>

Sent: Monday, February 27, 2023 10:10 AM

To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; Columbia Irrigation District <CID@columbiarrigation.com>; Fire District #1 - Staff <staff@bentonone.org>; Brian Bell <Brian.Bell@co.benton.wa.us>; Brad O'Brien <Brad.O'Brien@co.benton.wa.us>; BNSF Permit Management - Blake Jung (blake.jung@am.jill.com) <blake.jung@am.jill.com>; katie.robles@am.jill.com; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>

Cc: Planning Department <Planning.Department@co.benton.wa.us>

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Please review the attached application materials and get back to me with any comments or questions by March 13th, 2023.

Regards,

EXHIBIT LIST FOR CUP 2018-006 Reasoner/BNB Kennels

			DATE
Hearing Examiner Application Exhibit List			
HER 1	HER 1.1	Application and Supporting documents (9 pages)	June 15, 2018
Includes:	HER 1.2		
	HER 1.3		
	HER 1.4		
Hearings Examiner Staff Memo Exhibit List - July 16, 2018			
HEM 1	HEM 1.1	Staff Memo (6 pages)	July 5, 2018
Includes:	HEM 1.2	Site Map (1 page)	
	HEM 1.3	Written Determination of Completeness (1page)	June 19, 2018
	HEM 1.4	Comments from Benton PUD(1page)	June 27, 2018
	HEM 1.5	Comments from Benton County Code Enforcement(1page)	June 27, 2018
	HEM 1.6	Comments from Benton County Fire Marshal (1 page)	June 29, 2018
	HEM 1.7	Comments from Benton County Health District (1 page)	July 5, 2018
	HEM 1.8	Comments from WSDOT (1page)	July 6, 2018
	HEM 1.9	Notice of Open Record Hearings (1 page)	June 27, 2018
	HEM 1.10		
Hearings Examiner Staff Hearing Exhibit List - July 16, 2018			
HEH 1	HEH 1.1		
Includes:	HEH 1.2		
	HEH 1.3		
Hearings Examiner Staff Continued Hearing Memo Exhibit List - DATE			
HECH 2	HECH 2.1		
Includes:	HECH 2.2		
	HECH 2.3		
	HECH 2.4		
	HECH 2.5		

The Exhibit Numbers are found in the Top Right Hand Corner of each document.

- HER = Hearings Examiner Record Exhibits**
- HEM = Hearings Examiner Memo Exhibits**
- HEH = Exhibits submitted during Hearing**
- HECH = Exhibits submitted during a continued hearing**

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



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

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER**

MEMO DATE: JULY 5, 2018

MEETING DATE: JULY 16, 2018

TO: Benton County Hearings Examiner

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

RE: Conditional Use Permit Application File #: CUP 2018-006

APPLICANT: Melissa & Kevin Reasoner
DBA B-N-B Kennels

PROPERTY OWNER: 210211 E. SR 397 PR NE
Kennewick, WA. 99337`

SPECIFIC REQUEST

The applicant is requesting a Conditional Use Permit for the continued operation of a commercial kennel for the boarding and keeping of up to forty (70) dogs at a time. Forty-Five (45) separate kennels are currently available on the site.

BACKGROUND

Site Location: The site is located at 210211 E. 397. Kennewick, WA 99337 on an existing developed site also known as Lot 1 of Short Plat #2140 formerly Lot 2 of Short Plat #795 in Section 31, Township 9 North, Range 28 East, W.M.

Land Use: The site is currently developed with a single-family dwelling and associated outbuildings and an existing kennel. The building being used for the animals is a 4276, sq. ft. building., it was designed and constructed for the purpose of a dog kennel. The property has had an existing kennel that was approved in the late 70's on the property although, the permit did not specify that it was transferrable to new prospective owners. This CUP permit approval would continue the existing kennel and would add language to this permit that if sold, the permit would be transferrable and would run with the property. The surrounding properties are developed with single family homes, agricultural uses, pasture land, and the raising of animals. This property has had a kennel permit that was established in the 1970's.

Zoning: The site and surrounding properties are zoned Rural Lands 5.

Comprehensive Plan Designation: Rural Lands 5.

State Environmental Policy Act: The application is categorically exempt from the requirements of the Washington State Environmental Policy Act under WAC 197-11-800(13).

APPLICABLE DEVELOPMENT REGULATIONS

The Benton County Code 11.16A.050 (f) states that a Commercial Kennel may be allowed on a single parcel of record in the Rural Lands 5 Acre zoning only by Conditional Use Permit issued by the Benton County Hearings Examiner after notice and public hearing as provided in BCC 11.52.090.

Benton County Code Section 11.52.090(a) states:

"The conditional use/special 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 11.52.089.

Certain uses are classified as conditional uses/special 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/special 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 BCC 11.52.070."

Benton County Code Section 11.52.090(d) states:

"A conditional use/special 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 because 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/special permit application shall be denied."

FINDINGS OF FACT

Based on the application and information received, the planning staff makes the following findings:

1. The applicants are Melissa & Kevin Reasoner DBA B-N-B Kennels 210211 E. SR 397 PR NE Kennewick, WA. 99337
2. The applicant is requesting approval of a Conditional Use Permit for the operation of a commercial kennel for overnight boarding up to seventy (70) adult dogs six (6) months of age or older on an 8.50-acre parcel of land. Applicant states the existing building will conform to the kennel conditions used by Benton County and the State of Washington under RCW 16.52.310. The applicant states the hours of operation will be 7 days a week Monday Saturday 7 a.m. to 10

a.m. and 3 p.m. to 6 p.m. Sundays hours would be 6 p.m. to 8 p.m. with possible pick-up and drop offs by appointment as needed.

3. Conditional Use Permit CUP 2018-006 was submitted to Benton County on June 15, 2018, and declared complete on June 19, 2018. Activity is and has been in operation when the current owners took over in 2013. No complaints have been noted for this kennel during the years of operation. Kennel has been on site since the mid 1970's.
4. The notice for the Benton County Hearing Examiner Open Record Hearing was published on July 2, 2018 in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for July 16, 2018.
5. Conditional Use Permit CUP 2018-006 is categorically exempt from the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).
6. The site is currently developed with a single-family dwelling and associated outbuildings. The building being used is a 4276, sq. ft. building was designed and constructed for a kennel This property has had an existing kennel that was approved in the late 70's on the property although, the permit did not specify that it was transferrable with a single-family dwelling and outbuildings. The surrounding properties are developed with residential and agricultural purposes. A Business Activity had no limit on building size when this permit was originally issued therefor, continued use of the existing building would be allowed.
7. The site and surrounding properties are zoned Rural Lands 5.
8. The Benton County Comprehensive Plan designated the site and surrounding areas as Rural Lands 5.
9. Typically, the Hearings Examiner has approved Conditional Use Permit applications for dog kennels when the animals are housed in indoor kennels to minimize noise and with proper ventilation. The housing of excess animals inside a residence is not permissible due to sanitary purposes.
10. Washington State Department of Transportation had the following comment,
The subject property is adjacent to State Route 397 (SR 397), a Class 3 managed access facility with a posted speed limit of 50 miles per hour. The property has an existing grandfathered approach at milepost 14.13 left. The property owner should contact Mark Kaiser of the WSDOT South Central Region Planning Office at (509) 577-1668 to update the approach permit. No new approaches will be allowed.
11. The Benton-Franklin Health District made the following comments on July 5, 2018:
 - "1. The facility shall develop a solid waste management plan to effectively remove and process animal waste generated on-site by the kennels.
 2. The well serving this property must be upgraded to a Public Water Supply in accordance with WAC 246-291. The applicant will need to submit the application to the Benton Franklin Health District to upgrade the single family well to a public water supply."
12. Benton PUD and Benton County Fire Marshal all responded to a request for agency review with "no comments".
13. The applicant has requested one 4' x 8' sign on the property.

14. The proposed use would 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 Rural Lands 5 zoning district such as schools, churches, libraries, community club houses, stills, packaging sheds and five borders and/or lodgers in any one family dwelling unit.
15. The proposed use as shown in the application 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 Rural Lands 5 zoning district such as schools, churches, libraries, community club houses, stills, packaging sheds and five borders and/or lodgers in any one family dwelling unit.
16. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area. There is no evidence to support that the site would not be adversely affected. The residence on site is served by existing necessary services.

CONDITIONS OF APPROVAL

If the Hearings Examiner decides to approve Conditional Use Permit Application CUP 2018-006, based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department recommends that the following conditions be included:

1. Applicant shall not conduct any of the activities within the scope of Conditional Use Permit 2018-006 until the applicant is following all the conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the Conditional Use Permit until those conditions have been met
2. If the conditions of approval have not been met and the Planning Department does not issue the Conditional Use Permit within one (1) year from the time the Hearings Examiner conditionally approved this permit, the Hearing Examiner may declare its approval null and void at a regular Hearing Examiners 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.
3. That the applicant continues to meet the requirements submitted from the Benton-Franklin Health District to the Benton County Planning Department as outlined in the July 5, 2018, letter. If employees are hired, additional Health District requirements will have to be met. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.
4. The requested Conditional Use Permit would be granted for the keeping of up to seventy (70) dogs (6 months and older) on site. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.
5. That the dogs be kept in a kennel that is indoors with insulated walls and ceiling with a approved interior and concrete flooring for sanitation, to minimize noise and to keep proper ventilation, i.e. heated in the winter and air conditioned in the summer. The housing of dogs inside a residence is not permissible due to sanitary conditions. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.
6. That the property owner and/or the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the

Benton-Franklin Health Department, and all other local, state and federal regulations pertinent to the Conditional Use Permit pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.

7. A fence must be constructed around the outside kennels that will house the dogs. The height of the fence shall be a minimum of four (4) feet for small dogs and six (6) feet for large dogs and shall be maintained in good repair for segregation and separation of the dogs. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.
8. That any waste created because of the Conditional Use Permit must be disposed of in compliance with all local, state and/or federal regulations. Applicant must adequately collect and treat all the waste generated by the animals contained on the property. Applicant must complete the requirements of the Benton Franklin Health District as required in the attached letter of July 5, 2018. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.
9. As requested in the application, the proposed kennel will not have any non-resident employees and applicants have requested to have one sign of 4' x 8' and a maximum of 5' tall that will be used to identify the property as a kennel. The applicant shall continue to meet all such requirements while Conditional Use Permit CUP 2018-006 is in effect.
10. If all conditions of approval are not met within one (1) year of the date of approval, a limit of three (3) dogs will be the maximum number of animals approved to be living on site.
11. If this permit is approved meeting all conditions, a total of seventy (70) dogs will be the maximum allowed to be kept on this parcel. If additional animals are requested then a new Conditional Use Permit would be required. If the applicant is found to be housing more than ten (70) dogs, this Conditional Use Permit will be terminated under Benton County Code 11.52.089(e).
12. The applicants shall meet and continue to meet all requirements of RCW 16.52.310 (as listed below) while Conditional Use Permit CUP 2018-006 is in effect.
 - “(1) A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.
 - (2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for most of the day must at a minimum:
 - (a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.
 - (b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply

to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

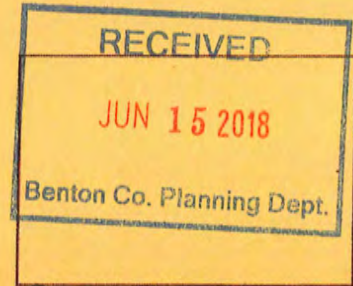
(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor."

13. This Conditional Use Permit is transferrable by a holder. If a new property owner wishes to have a commercial kennel, the new owner must update the Conditional Use Permit application and be approved by the Planning Manager prior to transfer of the permit being allowed.

**BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION
FILE NO. CUP 2018-006**



1. Applicant Name Melissa Reasoner B-n-B Kennels
 Applicant Address: 210211 E SR 397, Kennewick, WA 99337
 Telephone number: Home 509 539 7828 Work 509 492 6751

2. Legal owners name: Melissa Reasoner
 Legal Owners address: 210211 E SR 397, Kennewick, WA 99337
 Telephone number: Home 509 539 7828 Work 509 492 6751

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

3. Parcel Number or Legal description of property for which permit is for:
116804000007000

4. If you are amending a previous conditional use/special use permit please list the file number(s):

5. The Conditional Use Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.** We are Boarding Kennel that cares for dogs when people go on vacation. Stays range from 1 to 30 days. we have 45 kennels. Dogs from same home can board together so we could have 45 to 70 dogs. we would like the permit to be transferable to new owners.

6. The property will be served by:
 WATER: Well Private System _____ City System _____
 SEWER: Septic Tank City Sewer _____
 POWER: PUD REA _____
 PHONE: Yes No _____ Name of Utility Verizon
 GAS: Yes _____ No Name of Utility _____
 CABLE: Yes _____ No Name of Utility _____
 IRRIGATION: Yes _____ No Name of Utility _____
 PRIVATE IRR. Yes _____ No

7. Total acres of property: 8.5 Zoning Classification of Property: _____
 Comprehensive Plan Designation _____

8. Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.: home, mobil home, boarding kennel. 3 wells, 3 septic tanks

9. Describe existing structures and present land uses in the surrounding area of your property:
farms, cattle pasture, horse boarding,
rural residence.

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

- a. Is there a residence on site? Yes X No _____
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes X No _____
- c. Does at least one of the proprietors live in said residence? Yes X No _____
- d. List the number of non-resident employees. 0
- e. What is the **total** square footage of the detached building to be used for the business? 4276
- f. What is the **total** square footage that will be used for the business activity?
4276
- g. Is only one detached building to be used for the business activity? Yes X
No _____
- h. Are any signs going to be used with the business activity? Yes X No _____
If yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. 1 sign 4x8
- i. State the number of vehicles marked to identify the business to be stored on site.
1
- j. List the number of off street parking spots 0
- k. What County Road does the site access off of? SR 397
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week Mon - Sun
Hours of Operation Mon-Sat 7-10 a.m + 3-6 p.m Sun 6-8 pm

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

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

COMMENTS OR PERTINENT INFORMATION:

This boarding kennel has been here since late 70's. We have had zero complaints since we have owned it.

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

Signature Block for individuals only.

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

M Reasoner
Applicant's Signature

Melissa Reasoner
Print Name

6-13-18
Date

M Reasoner
Signature of Legal Owners

Melissa Reasoner
Print Name

6-13-18
Date

K Reasoner
Signature of Person with additional
ownership interest

Kevin R. Reasoner
Print Name

6-13-18
Date

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

Applicant or Legal Owner: _____

By: _____
(print name) (Title)

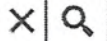
Signature: _____
(Signature) (Title)

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

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

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

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



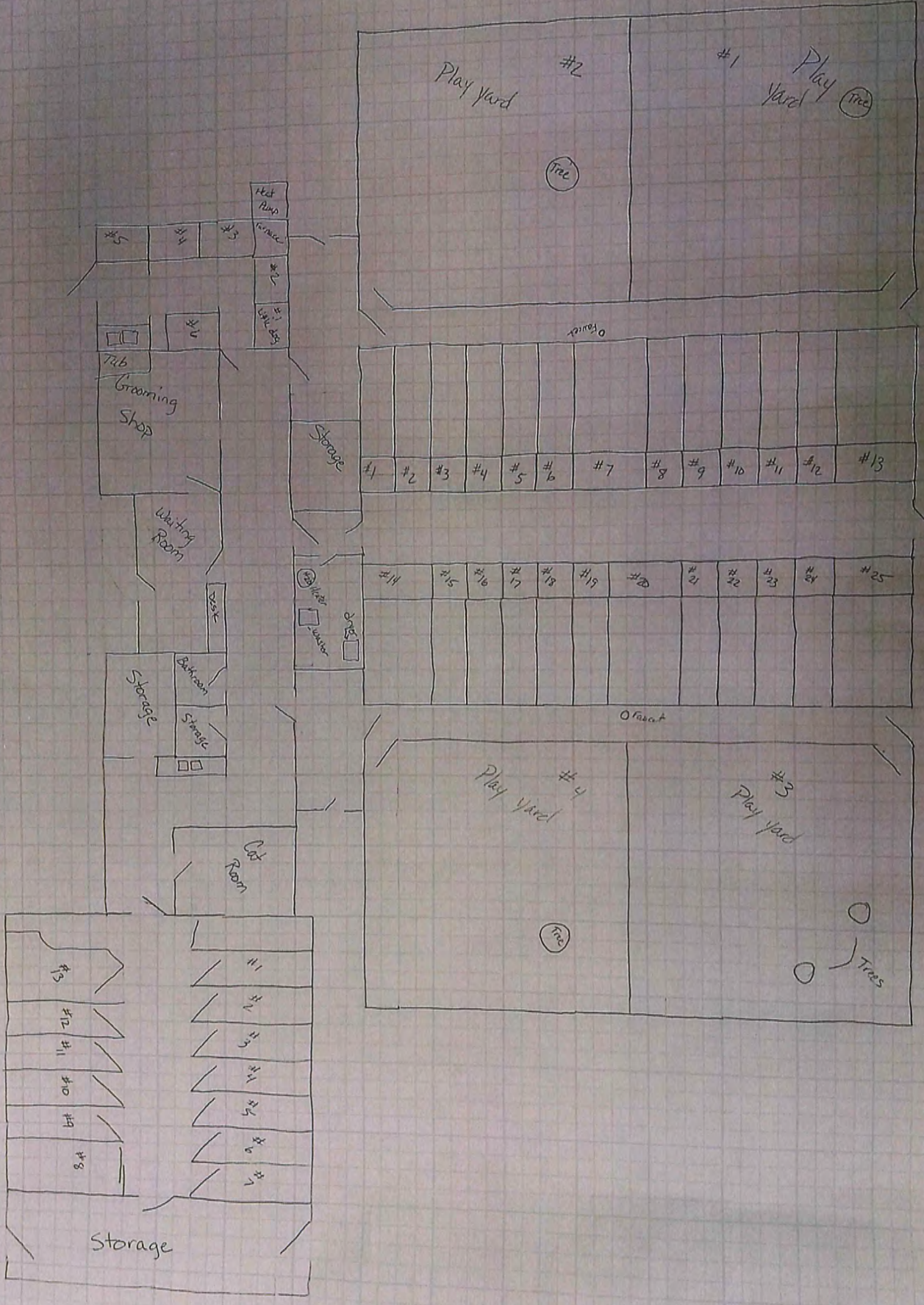
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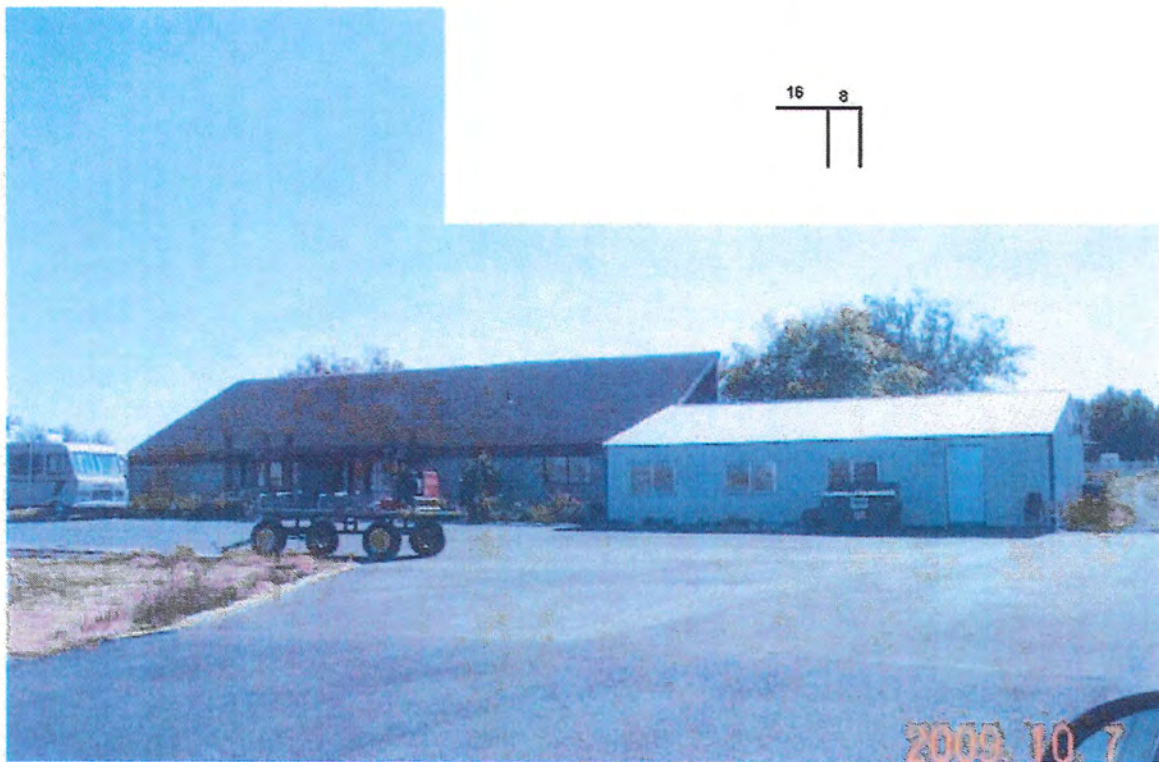
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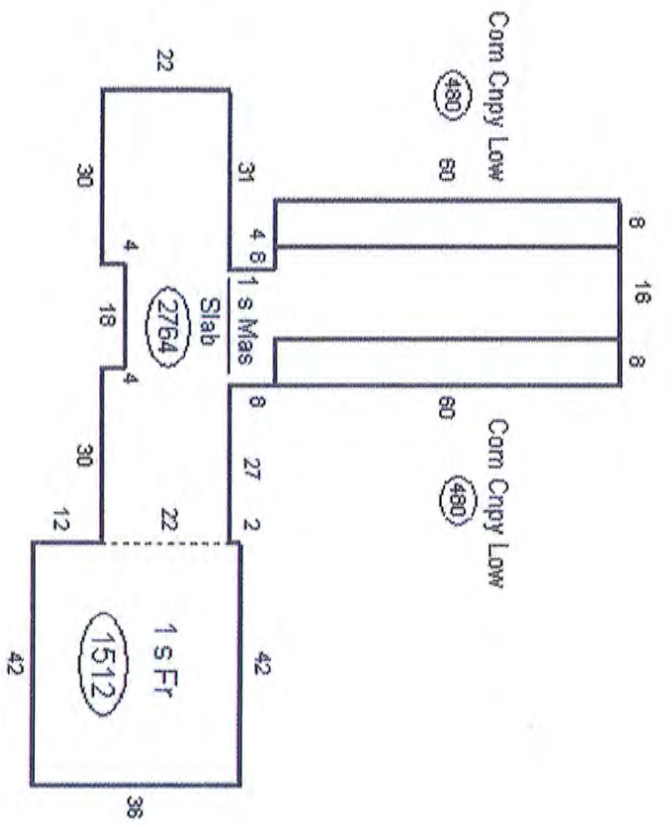
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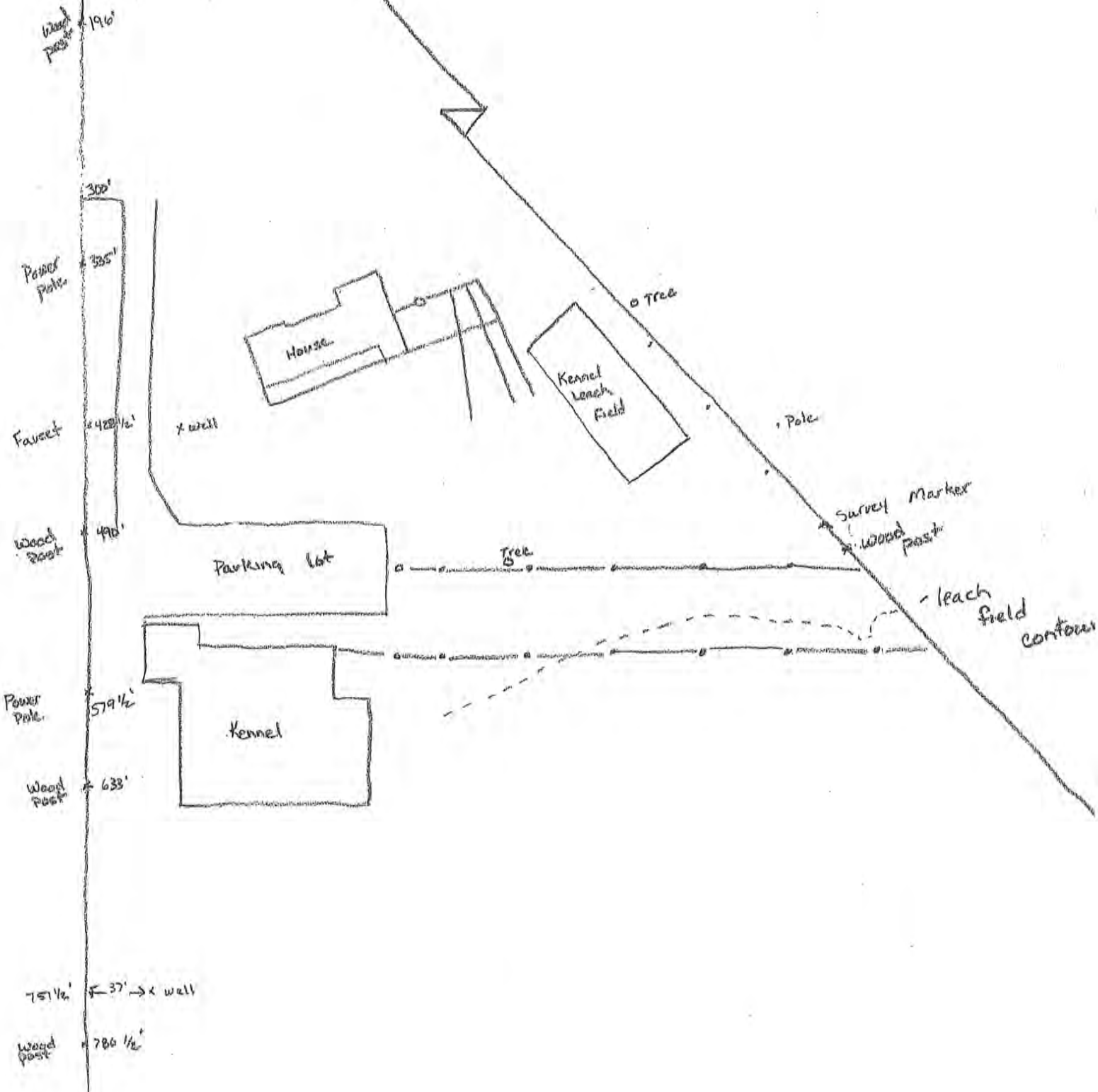
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- 04
- 05
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SR 397





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



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

June 19, 2018

Melissa Reasoner
210211 East SR 397
Kennewick, WA 99337

Via Email to MelissaReasoner@gmail.com

RE: Written Determination of Completeness
File Number: CUP 2018-006

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit and has determined that the required materials have been submitted and the application is now complete. The review process will begin on your application. Prior to the Open Record Hearing on your project, you will receive a public hearing notice and a staff memo.

Although this office has determined that your application is complete, more clarification or information may be needed from you once we begin 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 Open Record Hearing before the Hearings Examiner.

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

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

Sincerely,

A handwritten signature in blue ink, which appears to read "Clark A. Posey", is written over a horizontal line.

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

CAP:alb

April Brown

From: Tina Archey <archeyt@bentonpud.org>
Sent: Wednesday, June 27, 2018 11:40 AM
To: Planning Department
Subject: RE: [E] Agency review of CUP 2018-006 (Reasoner)

No comment.

Thank you,

Tina Archey
Distribution Design Technician
(509) 582-1241



From: Planning Department [mailto:Planning.Department@co.benton.wa.us]
Sent: Wednesday, June 27, 2018 11:33 AM
To: Ken Williams; Michelle Johnson; Pam Mattheus; Rod Worthington; Steve Brown; Troy Taylor; Brenda Webb; Chad Brooks; Roxanne Weller; Shanna Everson; Tina Archey; Jeff Vosahlo; Mike Irving
Subject: [E] Agency review of CUP 2018-006 (Reasoner)

Please see the attached agency review packet. Please have comments back to our office as soon as possible.



Thank you!

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

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

April Brown

From: Dale Wilson
Sent: Wednesday, June 27, 2018 11:40 AM
To: Planning Department
Subject: RE: Agency review of CUP 2018-006 (Reasoner)

I have not had any code enforcement complaints or investigations regarding this commercial kennel.

However due to the amount of dogs requested, I feel an onsite visit with the Planning Department and Code Enforcement be conducted prior to issuing any permits for such use.



Dale Wilson, Code Enforcement Officer
Benton County Washington
(509) 222-2301

From: Planning Department
Sent: Wednesday, June 27, 2018 11:32 AM
To: Charles Smith <Charles.Smith@co.benton.wa.us>; Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Columbia Irrigation District <CID@columbiairrigation.com>; Fire District # 1 - Scott <scott@bentonone.org>; Fire District #1 - Billie <billie@bentonone.org>; Fire District #1 - Staff <staff@bentonone.org>; WA Dept of Transportation - Paul Gosnet <Gosnetp@wsdot.wa.gov>; WA Dept of Transportation - TDM Coordinator <scplanning@wsdot.wa.gov>
Subject: Agency review of CUP 2018-006 (Reasoner)

Please see the attached agency review packet. Please have comments back to our office as soon as possible.

Thank you!



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

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56 regardless of any claim of confidentiality or privilege asserted by an external party.

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

TO: BC Planning Department

CUP 18-006

Date Received 6-27-18 Date Returned 6-29-18

Comments: Melissa Reasoner, B-n-B Kennels, 219211 E SR 397, Kennewick, 492-6751, proposes to operate an existing kennel.

Fire Marshal's Comments:

NONE



April Brown

From: Rick Dawson <Rickd@bfhd.wa.gov>
Sent: Thursday, July 05, 2018 1:46 PM
To: Planning Department
Subject: RE: Agency review of CUP 2018-006 (Reasoner)



Dear Mr. Posey,

We have completed a cursory review of the above referenced application and find:

1. The sate shall be served by an approved public water supply in accordance with WAC 246-291.
2. The facility shall develop a solid waste management plan to effectively remove and process animal waste generated on the site.

If you have any questions please feel free to contact me at the number listed below.

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

Benton-Franklin Health District

7102 W. Okanogan Place,
Kennewick, WA 99336

p: 509.460.4313

f: 509.585.1537

www.bfhd.wa.gov rickd@bfhd.wa.gov



Follow us on   

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

Sent: Wednesday, June 27, 2018 11:32 AM

To: Charles Smith; Rick Dawson; Dale Wilson; Columbia Irrigation District; Fire District # 1 - Scott; Fire District #1 - Billie ; Fire District #1 - Staff; WA Dept of Transportation - Paul Gosnet; WA Dept of Transportation - TDM Coordinator

Subject: Agency review of CUP 2018-006 (Reasoner)

Please see the attached agency review packet. Please have comments back to our office as soon as possible.

Thank you!



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



South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

July 2, 2018

Benton County Planning Department
PO Box 910
Prosser, WA 99350

Attention: Clark Posey – Assistant Planning Manager

Subject CUP 2018-006, B-n-B Kennel
SR 397 milepost 14.13 left



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

The subject property is adjacent to State Route 397 (SR 397), a Class 3 managed access facility with a posted speed limit of 50 miles per hour. The property has an existing grandfathered approach at milepost 14.13 left. The property owner should contact Mark Kaiser of the WSDOT South Central Region Planning Office at (509) 577-1668 to update the approach permits. No new approaches will be allowed.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Gonseth'.

Paul Gonseth, P.E.
Planning Engineer

PG: jjp/mnk

cc: File # 1, SR 397
Kara Shute, Area 3 Maintenance Superintendent

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



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

NOTICE OF OPEN RECORD HEARING

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

VAR 2018-002 – The applicants are requesting a 20' variance of the required 25' setback from the 60' access easement (AF 703394) on lot 3 of short plat 2625 going through the southern third of the property, and a 10' variance of the required 25' setback from the 60' access easement (AF 88-3374) beginning at the southeastern corner of lot 3 of short plat 2625. The date of the written determination of completeness on this action is May 31, 2018. The site is located on South Valley Vista PR SE, in Section 22, Township 8 North, Range 28 East, W.M. and is legally described as Lot 3 of Short Plat 2625. Applicant: Larry & Linda Lockrem.

CUP 2018-006 – The applicants are requesting to operate a commercial boarding kennel with up to 70 dogs on site at one time. The date of the written determination of completeness on this action is June 18, 2018. The site is located at 210211 East SR 397, in Section 16, Township 8 North, Range 30 East, W.M. Applicant: Melissa Reasoner/BNB Kennels.

NOTICE IS GIVEN that said applications will be considered by the Benton County Hearings Examiner at the **public hearings on Monday, July 16, 2018 at 10:00 a.m.** in the Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA 99350. All concerned persons may appear and present any support for or objections to the application(s) or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. More information concerning these actions can be obtained by contacting Clark A. Posey, Assistant Planning Manager at the Benton County Planning Department, 1002 Dudley Avenue, P.O. Box 910, Prosser, WA 99350 or by calling (509) 786-5612. Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department by 8:30 a.m. the morning of the hearing to confirm that the hearing will be conducted as scheduled.

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

Dated this 27th day of June, 2018

SUSAN E. DRUMMOND
Benton County Hearings Examiner

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

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

PUBLISH: Monday, July 2, 2018

**BENTON COUNTY HEARINGS EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**In the Matter of Request CUP 2018-006
Commercial Dog Kennel Facility
Melissa and Kevin Reasoner, DBA B-N-B Kennels**

July 26, 2018

1. FINDINGS OF FACT

1.1 Proposal/Project Description. The Applicants request a conditional use permit ("CUP") to operate a commercial kennel for the boarding and keeping of up to 70 adult dogs (six months or older) at a time on an 8.5 acre parcel. The Applicants/property owners and site location are:

Applicants/Property Owners: Melissa and Kevin Reasoner, DBA B-N-B Kennels

Site Location: 210211 E. SR 397, Kennewick, WA 99337. Also known as Lot 1 of Short Plat #2140, formerly Lot 2 of Short Plat #795, in Section 31, Township 9 North, Range 28 East, W.M. The application form identifies the parcel number as 116804000007000.

1.2 Administrative Record. The below exhibits were admitted. The Applicant submitted photographs of the kennel at the hearing, which were marked as HEH 1.1 and admitted.

Date	Document Description
June 15, 2018	HER 1.1 Application and Supporting Documents
July 5, 2018	HEM 1.1 Staff Memo
	HEM 1.2 Site Map
June 19, 2018	HEM 1.3 Written Determination of Completeness
June 27, 2018	HEM 1.4 Comments from Benton PUD
June 27, 2018	HEM 1.5 Comments from Benton County Code Enforcement
June 29, 2018	HEM 1.6 Comments from Benton County Fire Marshal
July 5, 2018	HEM 1.7 Comments from Benton-Franklin Health District
July 6, 2018	HEM 1.8 Comments from WSDOT
June 27, 2018	HEM 1.9 Notice of Open Record Hearing
July 16, 2018	HEH 1.1 Photographs (Kennel, Inside and Outside)

Notes --

- HEM: Hearings Examiner Memo Exhibits
- HER: Hearings Examiner Record Exhibits
- HEH: Hearings Examiner Hearing Exhibits

1.3 Public Notice. Hearing notice was published on July 2, 2018 in the Tri-City Herald and mailed to property owners of record within 300 feet of the parcel's outer boundaries. No concerns on notice were raised.

1.4 SEPA. The Planning Department determined the proposal is categorically exempt from the Washington State Environmental Policy Act, Ch. 43.21C RCW.

1.5 Hearing. This matter came before the Hearings Examiner at a public hearing on July 16, 2018. Following introductory comment from the Planning Department, and after being sworn in, the Applicant further described the proposal and addressed questions from the Hearings Examiner. The Examiner stated she had completed a site visit that morning. As the Applicant had not reviewed the Staff Report and proposed conditions, time was taken to allow for same. Following her review, the Applicant stated there were no objections or clarifications, except that during the summer the Applicant expects to retain a part-time employee. Also, the Examiner clarified with the Planning Department that language in one of the proposed conditions on dog number would not apply to this particular facility, so Condition 12 should be revised to reflect that. There was no concern with this revision, and no public testimony was presented.

1.6 Agency Comment. As addressed below, the proposal was circulated to several government agencies for comment. Comments were received, including some with considerable detail. The Applicant identified no concerns with obtaining all required permits and complying with all requirements.

1.7 Zoning/Plan Designations. The site's comprehensive plan and zoning designations are Rural Lands 5 Acre District, or RL-5. The County's development regulations require the proposal to be authorized via conditional use permit.¹ Procedures and criteria for reviewing a CUP, and requiring Hearings Examiner approval of same, are at BCC 11.52.089 and .090.

1.8 Site and Surrounding Land Uses. The project site is 8.5 acres. It is developed with a single-family dwelling, outbuildings, and a detached 4,276 square foot kennel building to be used for the business. The boarding kennel has been in place since the late 1970s. The facility was approved in the 1970s and at the time there was no limitation on its building size, so the Planning Department has determined it may remain in place. No record of any complaints was submitted to the Examiner, and the Applicant stated that they have had none since buying the property. The Applicant submitted photographs of the facility, which depicted a clean and well maintained facility, both inside and out. The surrounding properties are developed in residential and agricultural uses, with the same zoning as the site.

1.9 Agency Comment

1.9.1 Benton-Franklin Health District Comment. The Benton-Franklin Health District commented:

¹ BCC 11.16A.050(f).

We have completed a cursory review of the above referenced application and find:

1. The site shall be served by an approved public water supply in accordance with WAC 246-291.
2. The facility shall develop a solid waste management plan to effectively remove and process animal waste generated on the site.

1.9.2 Washington State Department of Transportation. The Washington State Department of Transportation (WSDOT) commented:

We have reviewed the proposed project and have the following comment:

The subject property is adjacent to State Route 397 (SR 397), a Class 3 managed access facility with a posted speed limit of 50 miles per hour. The property has an existing grandfathered approach at milepost 14.13 left. The property owner should contact Mark Kaiser of the WSDOT South Central Region Planning Office at (509) 577-1668 to update the approach permits. No new approaches will be allowed.

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

1.9.3 Benton County Code Enforcement. Benton County Code Enforcement commented:

I have not had any code enforcement complaints or investigations regarding this commercial kennel. However due to the amount of dogs requested, I feel an onsite visit with the Planning Department and Code Enforcement be conducted prior to issuing any permits for such use.

At the hearing, the Examiner asked if a site visit occurred. The Planning Department confirmed it had, but it was a drive by, so the inside of the kennel was not viewed.

1.9.4 Other Agency Comment. Neither the Benton County Fire Marshal nor Benton PUD had comment.

1.10 Public Comment. No public comment was submitted.

1.11 Signage. The Applicants requested one 4' x 8' sign.

1.12 Hours of Operation. The Applicants requested that the facility be open Monday-Sunday, but with standard hours of operation being Monday-Saturday, 7-10 AM and 3-6 PM, and Sunday 6-8 PM. Additional pick-ups and drop-offs may be scheduled by appointment as needed.

1.13 Access. Access is off of SR 397. The site is entered after crossing over railroad tracks.

1.14 Facility Conditions. Insulated and ventilated indoor kennels with heat and temperature control for summer and winter conditions would be required. Fencing adequate to contain the dogs would entirely surround the site and be maintained in good repair, to ensure dogs do not escape and enter neighboring properties. Animal waste would be promptly removed consistent with requirements, and Health District water supply conditions met, to ensure against the spread of disease and avoid incompatibilities with neighboring uses. The Applicant raised no concerns with the conditions the Staff Report outlined to address these and other related issues.

2. CONCLUSIONS OF LAW

2.1 A CUP may be approved in the RL-5 zoning designation for a commercial kennel.² A CUP "shall be granted only" if the Hearings Examiner "can make findings of fact based on the evidence presented sufficient to allow" the 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.³

"It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made."⁴

² BCC 11.16A.050(f).

³ BCC 11.52.090(d).

⁴ *Id.*

2.2 Only with the below outlined conditions, and assuming they are complied with, can the Examiner conclude the proposed use is consistent with these CUP criteria. If compliance is achieved, then compatibility can be addressed. For example, with adequate fencing and enclosure, along with proper animal management, the CUP proposal would not create incompatibilities with other uses in the surrounding area due to noise and smell. If properly managed, the proposed use would not be any more incompatible with existing uses in the surrounding area as outright permitted uses. Only with the outlined conditions can the Examiner conclude the proposed use is consistent with the surrounding rural nature of the area, which includes residential and agricultural uses.

2.3 Assuming all conditions and applicable laws are complied with, the requested CUP would 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 zoning district.

2.4 Granting the CUP 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 zoning district. While there would be an increase in traffic, no evidence was presented suggesting this would raise significant conflicts with existing uses in the neighborhood.

2.5 The CUP would be supported by adequate service facilities and would not adversely affect public services to the surrounding area. Based on the evidence presented, the use is likely to have a nominal impact on those services assuming code requirements are complied with. This includes all Health District, Building Department and Fire Code requirements and compliance with the agency comments submitted, including the Health District's detailed conditions, which are all a condition of approval.

2.6 If all conditions are complied with, granting the CUP would not hinder or discourage the development of permitted uses on neighboring properties in the zoning district to an extent greater than other permitted uses in the zoning district. Only if the facility is maintained as proposed and as conditioned, and is adequately managed, will it avoid hindering nearby development.

2.7 In summary, as conditioned, the use is compatible with the principal uses and purpose of the RL-5 zoning and surrounding land uses, and the CUP should be approved.

2.8 With the conditions imposed, which are necessary to make the findings in Section 1, the Applicant has addressed all CUP criteria. In summary, the proposed use is compatible with the principal uses and purpose of the Rural Lands 5 Acre zoning district and surrounding land uses.

DECISION

The Hearings Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves Melissa and Kevin Reasoner's requested CUP to authorize the operation of a commercial dog kennel, provided the conditions set forth below are met:

1. The Applicants shall not conduct any of the activities within the scope of CUP 2018-006 until the Applicants are following all the conditions set forth herein. The Applicants shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Planning Department shall not issue the CUP until those conditions have been met.

2. If the conditions of approval have not been met and the Planning Department does not issue the CUP within one (1) year from the time the Hearings Examiner conditionally approved this permit, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the Applicants shall be notified in writing at the Applicants' last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.

3. The Applicants shall continue to meet the requirements submitted from the Benton-Franklin Health District to the Benton County Planning Department as outlined in the July 5, 2018, letter. If employees are hired, additional Health District requirements will have to be met.

4. The requested CUP would be granted for the keeping of up to seventy (70) dogs (6 months and older) on site.

5. The dogs shall be kept in a kennel that is indoors with insulated walls and ceiling with an approved interior and concrete flooring for sanitation, to minimize noise and to keep proper ventilation, i.e. heated in the winter and air conditioned in the summer. The housing of dogs inside a residence is not permissible due to sanitary conditions.

6. The property owners and/or the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the CUP pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

7. A fence must be constructed around the outside kennels that will house the dogs. The height of the fence shall be a minimum of four (4) feet for small dogs and six (6) feet for large dogs and shall be maintained in good repair for segregation and separation of the dogs.

8. Any waste created because of the CUP must be disposed of in compliance with all local, state and/or federal regulations. The Applicants must adequately collect and treat all the waste generated by the animals contained on the property. The Applicants must complete the

requirements of the Benton-Franklin Health District as required in the attached letter of July 5, 2018.

9. As requested in the application, the proposed kennel will have a limited number of non-resident employees and the Applicants have requested to have one sign of 4' x 8' and a maximum of 5' tall that will be used to identify the property as a kennel.

10. If all conditions of approval are not met within one (1) year of the date of approval, a limit of three (3) dogs will be the maximum number of animals approved to be living on site.

11. If this permit is approved meeting all conditions, a total of seventy (70) dogs will be the maximum allowed to be kept on this parcel. If additional animals are requested then a new CUP would be required. If the Applicants are found to be housing more than seventy (70) dogs, this CUP will be terminated under Benton County Code 11.52.089(e).

12. The Applicants shall meet and continue to meet all requirements of RCW 16.52.310 (as listed below) while CUP 2018-006 is in effect.

"(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for most of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection ... (2) of this section is guilty of a gross misdemeanor.”

13. This CUP is transferrable by a holder. If a new property owner wishes to have a commercial kennel, the new owner must update the CUP application and be approved by the Planning Manager prior to transfer of the permit being allowed.

14. The Applicants shall continue to meet all conditions and requirements while CUP 2018-006 is in effect.

THIS DECISION is entered this 26th day of July, 2018.



Benton County Hearings Examiner
Susan Elizabeth Drummond



HEM 1.15

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 a Special Meeting on May 12, 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>

VARIANCE REQUEST - VAR 2023-002 - The applicants Jim and Tracy Osborn are requesting a variance to allow for the installation of flood venting rather than elevating a structure over 400 square feet in size in the designated RL-1 zone. The proposed two story accessory structure, located at 18420 S. 1884 PR SE, Kennewick 99337 will be comprised of a first floor shop and a second floor Accessory Dwelling Unit. Parcel #1-1880-101-0853-003.

CONDITIONAL USE PERMIT – CUP 2023-004- The applicant is requesting an amendment to Conditional Use Permit CUP 2018-006 for the continued operation and expansion of a commercial kennel at 210211 E SR 397 Kennewick, 99337. The proposed amendment will increase the number of employees up to 4 (part time), allow for an additional accessory building and increase the pet allowance from 70 to 120. Parcel#1-1680-400-0007-000.

CONDITIONAL USE PERMIT – CUP 2023-005 The applicant Raymond Klann is proposing to convert an existing accessory building into an 800 square foot detached Accessory Dwelling Unit (ADU). The 2.99 acre property is located at 42207 E. Badger Rd, Benton City 99320 and is currently used for residential purposes with a 2,030 square foot single-family dwelling and 840 square foot accessory building. Parcel #1-2697-301-2132-002.

CONDITIONAL USE PERMIT – CUP 2023-006 The applicant Alberto Torres-Chacon is proposing to conduct a home based business as a retailer of firearms, firearm parts, accessories, and ammunition with strictly online ordering and sales. This proposal will involve office activities and temporary storage of orders within one bedroom of the residence at 273 Mata Road in Kennewick, 99338. The applicant will be the only employee and will provide help to customers filling out paperwork and will deliver the firearm to the client when they are cleared for possession. Parcel # 1-0288-303-0003-001.

CONDITIONAL USE PERMIT – CUP 2023-007 The applicants Richard and Nancy Richter are requesting a Conditional Use Permit for the construction of a detached 800 sq. ft. accessory dwelling unit at 41600 S Glenn Miller PR SE, Kennewick 99338 with a future 2,558 sq. ft. single-family residence. Parcel# 1-2888-100-0000-003.

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 or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick or mailed to the 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, 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 19th day of April, 2023.

PUBLICATION DATE: April 26, 2023

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager
Community Development Department