

**EXHIBIT LIST FOR CUP 2023-005**  
**Raymond Klann**

<b>Hearings Examiner Staff Memo Exhibit List - May 12, 2023 hearing</b>		
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HEM 1.2	Vicinity map	April 7, 2023
HEM 1.3	Application	March 10, 2023
HEM 1.4	Site Plan	March 10, 2023
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HEM 1.6	Agency review request	March 16, 2023
HEM 1.7	Comment from Benton County Building Department	March 16, 2023
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HEM 1.10	Comment from Public Works	March 20, 2023
HEM 1.11	Notice of Open Record Hearings	April 19, 2023
<b>Exhibits Submitted <span style="color: red;">During Hearing</span> or while record remained open</b>		
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**Community Development Department**

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



**Planning Division**

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

**HEM 1.1**

**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Raymond Klann  
Detached Accessory Dwelling Unit**

**FILE NO:** CUP 2023-005

**MEMO DATE:** April 12, 2023

**HEARING DATE:** May 12, 2023

**OWNER/APPLICANT:** Raymond Klann, 42207 E. Badger Rd, Benton City, WA 99320

**LOCATION:** General Location: The property is located immediately west of the intersection of Badger Rd. and N Canyon View PR NE in the Benton City area.  
Address: 42207 E. Badger Rd, Benton City, WA 99320  
Legal: Short Plat #2132, Lot 2 Subject to easements and restrictions of record.  
Parcel Number: 126973012132002

**PROPERTY SIZE:** Approximately 2.99 Acres

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

**LAND USE:** Residential

**ZONING:** Growth Management Act Agricultural District (GMAAD)

**COMPREHENSIVE PLAN DESIGNATION:** GMA AG

**RECOMMENDATION:**

The Planning Division recommends approval of the application request, subject to the suggested twenty-one (22) Findings of Fact and five (5) Conditions of Approval as outlined in this staff report.

**APPLICATION DESCRIPTION:**

The applicant is proposing to convert a portion of an existing accessory building into an 800 square foot detached Accessory Dwelling Unit (ADU). The ADU is to be located southwest of the single-family dwelling on the parcel. The landowners will reside in the existing residence and use the ADU for family members.

The property is approximately 2.99 acres in size and is zoned Growth Management Act Agricultural District (GMAAD). The site is currently used for residential purposes with a 2,030 square foot single-family dwelling with an 1,200 square foot accessory building. A portion of the existing accessory building will be converted into the ADU and the rest will remain as shop space.

The application for CUP 2023-005 (HEM 1.3) was submitted to the Benton County Planning Division on March 10, 2023.

The application was declared complete for processing on March 13, 2023. (HEM 1.5)

The application documents were distributed to reviewing agencies on March 16, 2023. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2023-005 was published on April 26, 2023 in the Prosser Record Bulletin. (HEM 1.11)

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. *Revised Code of Washington*  
RCW 36.70A.400, GROWTH MANAGEMENT—PLANNING BY SELECTED COUNTIES AND CITIES Accessory Apartments  
Any local government, as defined in RCW 43.63A.215, that is planning under this chapter shall comply with RCW 43.63A.215(3).

RCW 43.63A.215(3) Accessory apartments—Development and placement—Local governments

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

2. *Benton County Comprehensive Plan*  
3.3.2.5 Agricultural Land Use Designations  
GMA Agriculture (GMA AG) includes agricultural land (such as dryland and irrigated land) identified by the County based on the criteria established by the GMA. A GMA Agricultural District zone conserves agricultural lands by establishing a 20-acre minimum parcel size and (with exceptions e.g., resort destinations, wineries) limits the range of other land uses to those which are dependent upon, supportive of, ancillary to, or compatible with, agricultural production as the principal land use

*Benton County Comprehensive Plan*  
Section 2.7 Housing

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

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

residential zones.

## Section 6.4.2 Housing Types

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

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

#### 11.03.010 DEFINITIONS.

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

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

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

(a) All accessory dwelling units authorized herein shall meet the following minimum criteria:

- (1) One (1) accessory dwelling unit is allowed per parcel/lot.
- (2) A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.
- (3) The accessory dwelling unit shall not exceed 40% of the total square footage of the single-family home or 800 square feet in size, whichever is smallest.
- (4) The accessory dwelling unit shall consist of no more than one (1) bedroom.
- (5) The accessory dwelling unit shall provide two (2) off-street parking spots.
- (6) An accessory dwelling unit shall be constructed on the site and permanently affixed to the ground by footings and foundation. A recreational vehicle (RV), mobile home, manufactured home, or factory assembled structure is not to be permitted as an accessory dwelling unit.
- (7) The accessory dwelling unit is not allowed on a lot/parcel that has a duplex, multi-family dwelling, a temporary dwelling permit (see BCC 11.42.110), a multiple detached dwelling permit (see BCC 11.42.080) or two (2) or more single-family dwellings.
- (8) The accessory dwelling unit is not allowed to be used in the operation of a home occupation.
- (9) The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.
- (10) The accessory dwelling unit shall meet and comply with Benton

- County Fire Marshal requirements for access.
- (11) The accessory dwelling unit may be permitted as either a ground floor or 2<sup>nd</sup> floor unit.
  - (12) Either the accessory dwelling unit or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow to occupy the landowner(s) unit when absent the rest of the year.
  - (13) If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached and compliance with subsection (c) below is required.
  - (14) The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of Benton County Code.
  - (15) The accessory unit shall not be considered as a dwelling unit when calculating density.
    - (c) An accessory dwelling unit detached from the single-family dwelling shall comply with the following:
      - (1) All detached accessory dwelling units require approval of a conditional use permit (see Chapter 11.50 BCC).
      - (2) A detached accessory dwelling unit shall comply with the following minimum design standards.
        - (i) The detached accessory dwelling unit may be constructed within an existing outbuilding or be a stand along structure, where the dwelling unit does not share a common wall with the primary single-family dwelling. If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached.
        - (ii) An outside entrance to the accessory dwelling unit is required and be placed at the side or rear of the building, when possible, to maintain appearance and character of an accessory use.

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

**11.50.040 (a) CONDITIONAL USE PERMIT- GENERAL STANDARDS.** The conditional use permit application process allows the Hearings Examiner to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Hearings Examiner to ensure that development in each zoning district protects the integrity of that district. The notice, hearing, decision, and enforcement procedures are as set forth herein and in BCC 11.50.050.

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

Once granted, a conditional use permit may be transferred by a holder thereof after written notice to the Hearings Examiner; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if

applicable, the requirements set forth in Chapter 11.51 BCC.

11.50.040 (d) CONDITIONAL USE PERMIT- PERMIT GRANTED OR DENIED. A conditional use permit shall be granted only if the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow the Hearings Examiner to conclude that, as conditioned, the proposed use:

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

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

**PUBLIC NOTICE:**

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

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

ten (10) days prior to the open record hearing date.

**AGENCY COMMENTS:**

1. The application documents were distributed to the following reviewing agencies on March 16, 2023.
  - a. Benton County Public Works Department
  - b. Benton-Franklin Health District
  - c. Benton County Fire District #1
  - d. Benton County Building Division
  - e. Benton County Fire Marshal
  - f. Benton County Code Enforcement
  - g. Benton PUD
  - h. Kennewick Irrigation District
  
2. The following comments were received from the **Benton County Building Division (HEM 1.7)**:

The following would have to be considered and made compliant as part of the creation of the (Auxiliary Dwelling Unit) ADU:

  - a. Full compliance of the International Residential Code (IRC) for the applicable code cycle.
  - b. Full compliance of the Washington State Energy Code (WSEC) for the applicable code cycle.
  - c. Full compliance in the design and construction to meet Benton County limitations for an ADU.
  - d. Full compliance which may be applicable under any Homeowners Association or nationhood convenience. (Responsibility of the owner to meet compliance in this area).
  - e. For more information, please contact Brian Bell at 509-735-3500.
  
3. The following comments were received from the **Benton Public Utility District (PUD) (HEM 1.9)**:
  - a. Contact Benton PUD with any power needs for the detached accessory dwelling.
  - b. For more information, please contact the Engineering Department at 509-582-1230.
  
4. The following are general comments and discussion points from the **Benton County Planning Division**:
  - a. The lot is zoned Growth Management Act Agricultural District (GMAAD).
  - b. The lot is designated GMA AG by the Benton County Comprehensive Plan.
  - c. Surrounding land uses: The properties adjoining the subject property predominantly have single-family homes with residential accessory and agricultural uses.
  - d. SEPA: A proposal for a single ADU is exempt from a State Environmental Policy Act checklist and review.

- e. This project is within the Benton County Rural Water Supply Program area and thus the Applicant must apply for and obtain a mitigation certificate for the accessory dwelling unit prior to CUP issuance.
- f. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.

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

The following Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for CUP 2023-005 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

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

### **SUGGESTED FINDINGS OF FACT**

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

1. The applicant is proposing to convert 800 sq. ft. portion of an 1,200 sq ft. existing accessory building into a detached Accessory Dwelling Unit (ADU). The ADU is to be located east of the single-family dwelling located at 42207 E Badger Rd Benton City, WA 99320.
2. The remaining 400 sq. ft. will remain as shop space.
3. The applicants/property owners are Raymond and Jill Klann, 42207 E Badger Rd, Benton City, WA 99320.
4. The property is located immediately west of the intersection of Badger Rd. and N Canyon View PR NE in the Benton City area (Parcel 126973012132002).
5. The property is approximately 2.99 acres in size and is zoned Growth Management Act Agricultural (GMAAD) District.
6. The proposed detached ADU will be accessory to the 2,030 square foot primary single-family dwelling.
7. The site is currently a residential use.
8. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.

9. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
10. The detached ADU complies with Benton County Building Division standards and requirements.
11. The application for CUP 2023-005 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
12. The application for CUP 2023-005 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
13. The application for CUP 2023-005 is consistent with the goals and policies of the Benton County Comprehensive Plan.
14. The application for CUP 2023-005 is consistent with the requirements of the Benton County Zoning Code.
15. The application for CUP 2023-005 is consistent with the requirements of BCC 11.42.020(a) Accessory Dwelling Units (ADU):
  - a. One (1) detached ADU is proposed for the subject property.
  - b. A single-family dwelling is located on the parcel/lot where the detached ADU is to be located.
  - c. The proposed single-family dwelling is 2,030 square feet. Forty percent 40% of 2,030 square feet is 812 square feet. The applicant is proposing approximately 800 square feet in the application.
  - d. The detached ADU will have one (1) bedroom.
  - e. The applicant is proposing two (2) parking spots to serve the detached ADU.
  - f. The proposal is to convert an existing accessory building into an 800 square foot ADU to be used as the primary residence on the site in addition to the existing 2,030 square foot single-family dwelling.
  - g. No additional dwelling or housing units exist on site or are proposed.
  - h. A home occupation is not planned nor proposed to be operated in the detached ADU.
  - i. The detached ADU must comply with BFHD standards as per the Conditions of Approval.
  - j. The detached ADU and proposed single family dwelling comply with Fire Marshal standards.
  - k. The detached ADU will be a ground floor unit.
  - l. At the time of application, the owners plan to reside in the existing single family dwelling and utilize the ADU for family members.
  - m. The detached ADU complies with Building Division requirements and Fire Marshal requirements.

- n. The detached ADU complies with the Benton County critical area ordinance, Shoreline Master Program, and zoning regulations.
- 16. The application for CUP 2023-005 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be a standalone structure.
- 17. The application for CUP 2023-005 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
  - a. The proposed ADU is southwest of the existing single-family dwelling.
  - b. The door layout of the structure is adequate for its location and situation, subject to compliance with the Findings of Fact and Conditions of Approval.
- 18. The proposed detached ADU is compatible with other uses in the surrounding area and is no more incompatible than are any other outright permitted uses in the applicable zoning district.
- 19. The proposed detached ADU will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district.
- 20. The pedestrian and vehicular traffic caused by the proposed detached ADU will not conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district.
- 21. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
- 22. The proposed detached ADU will not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

### **SUGGESTED CONDITIONS OF APPROVAL**

- 1. The activities on the site shall comply with the submitted site plan and materials submitted for this application.
- 2. Either the detached ADU or the single-family dwelling shall be occupied by a landowner(s) as their primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow others to occupy the landowner(s) unit when absent the rest of the year.
- 3. The County will provide an ADU agreement to the applicant. The applicant shall sign the agreement before a Notary Public and record the document with the Benton County Auditor's Office prior to the Conditional Use Permit being issued. The recording fee shall be paid by the applicant. The document will include a statement that the Accessory Dwelling Unit may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.

4. All required development permits shall be obtained prior to occupancy of the Accessory Dwelling Unit. This includes approval of permits required by the following, as applicable:
  - a. Benton County Building Division; for building permits.
  - b. Benton County Fire Marshal; for fire and safety regulations.
  - c. Benton Franklin Health District
  - d. Benton County Rural Water Supply Program
5. Applicants shall obtain a mitigation certificate and install a water meter for the ADU prior to CUP issuance.

**Time to Complete Conditions of Approval:**

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

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

**Transferability**

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

**Violations of Conditions of Approval:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2023-005 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.

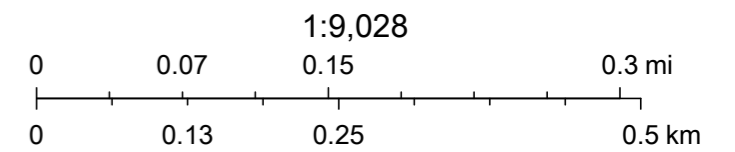
# CUP 2023-005 Vicinity Map

HEM 1.2



4/19/2023, 3:47:52 PM

--- Access\_Easement\_3965  
--- Parcels\_and\_Assess\_3424



Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

**Planning Department**

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**Prosser Office:** 620 Market Street, 1<sup>st</sup> Floor  
**Kennewick Office:** 102206 East Wiser Parkway

**CONDITIONAL USE PERMIT APPLICATION**

File No. CUP 2023-005

**RECEIVED**

MAR 10 2023

Benton Co. Planning Dept.

**APPLICANT INFORMATION**

Please check the box indicating primary contact person for this application

**Name of Applicant/Agent:** Raymond Klann

Mailing Address: 42207 E. Budger Rd City: Benton City State: WA ZIP: 99320

Phone #1: 630-863-6988 Phone #2: 509-212-5842

Email Address(es): ray.klann@pnml.gov

Signature: [Signature] Date: 2/7/23

**Name of Property Owner(s) (if different):** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone #1: \_\_\_\_\_ Phone #2: \_\_\_\_\_

Email Address(es): \_\_\_\_\_

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

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

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

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

**ENTITY SIGNATURE BLOCK**

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

Officer name: \_\_\_\_\_ Title: \_\_\_\_\_

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

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

Any information submitted to the Benton County Planning 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: 42207 E. Badger Rd, Benton City, WA 99320

5. Parcel #(s): L-2697-301-2132-002 - - - - -

6. Acreage: 3

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: \_\_\_\_\_

Irrigation:  No  Yes Provider name: Kennewick Irrigation District

9. Current use(s) on property: Home, Single Family

10. What are you proposing to do that requires a Conditional Use Permit? Detached Accessory Dwelling Unit

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

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

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

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

(FOR STAFF USE ONLY)

Application Complete: Y N

Critical Areas: N Y: \_\_\_\_\_ Zoning: \_\_\_\_\_

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

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

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

File No. CUP 2023-005

Applicant Name: Raymond Klann

**RECEIVED**

MAR 10 2023

Benton Co. Planning Dept.

1. Number of Accessory Dwelling Units currently on the property: 0
2. Is there a single family dwelling currently on the property?  Yes  No
3. What is the square footage of the main home? 2030
4. What is the square footage of the proposed accessory dwelling unit? 800 sq-ft
5. How many bedrooms will be in the Accessory Dwelling Unit? 1
6. Does the landowner currently have any other land use permits? No

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

Mother-in-law suite

In existing shop building

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

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

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RECEIVED

MAR 10 2023

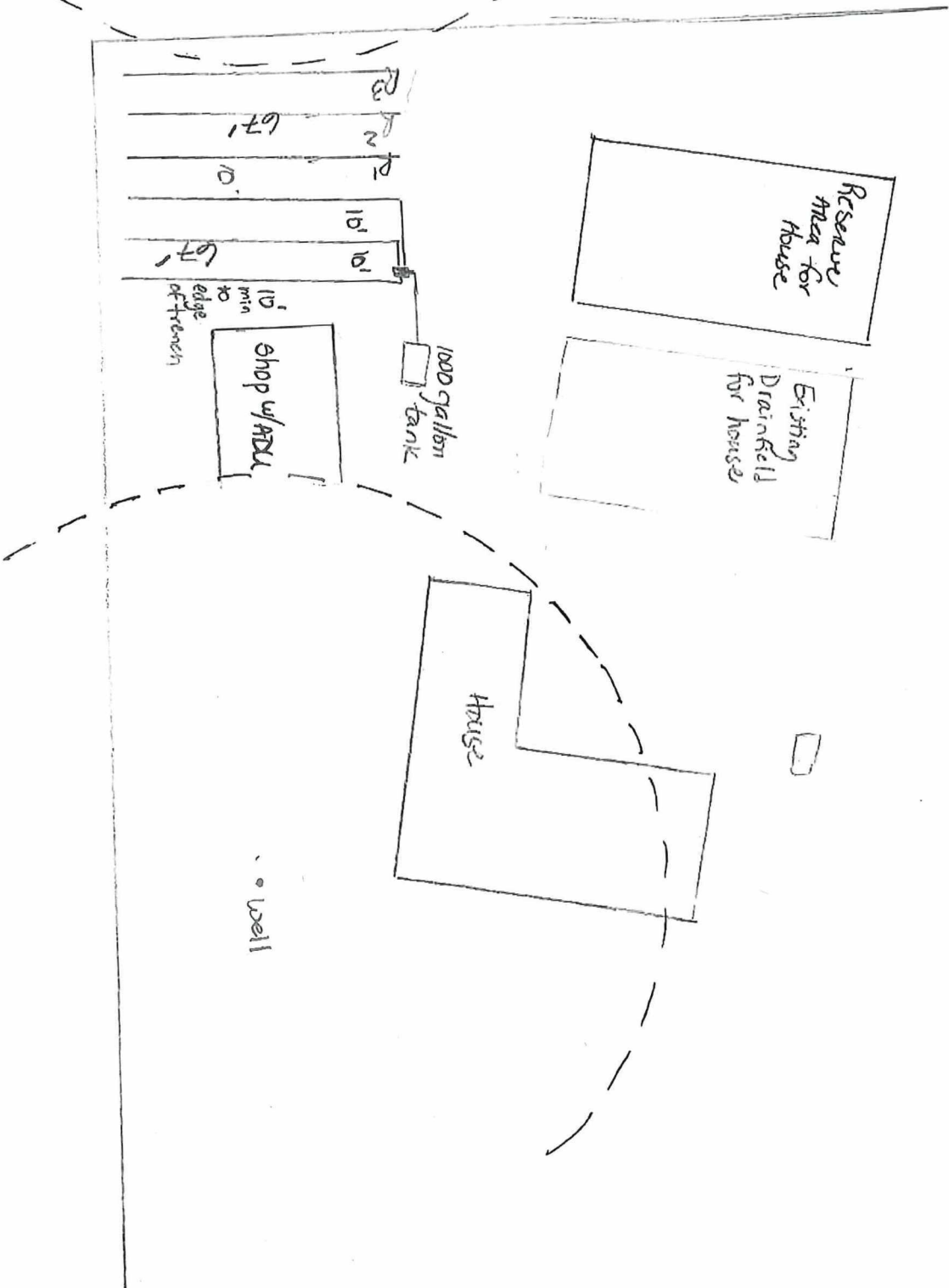
Benton Co. Planning Dept.

Raymond Klamm  
72207 E Badger Rd  
1-2197-301-2132-002  
Scale 1" = 40'  
Septic for ADU



E Badger Rd

100' well Radius  
from neighbor's  
well



• well

**Community Development Department**

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



**Planning Division**

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

## HEM 1.5

March 13<sup>th</sup>, 2023

Raymond Klann  
42207 E Badger Rd  
Benton City, WA 99320

[Ray.klann@pnnl.gov](mailto:Ray.klann@pnnl.gov)

RE: Written Determination of Completeness  
File Number: CUP 2023-005

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit for a Detached Accessory Dwelling Unit. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2023-005) 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 black ink that reads "Andrea Watts".

---

Andrea Watts, Senior Planner  
Benton County Planning Division

**From:** Planning Department  
**Sent:** Thursday, March 16, 2023 8:44 AM  
**To:** Gary Tiplady; Cristina Woods; GIS; Kennewick Irrigation District - Application and SEPA Review (development@kid.org); Fire District #1 - Staff; Chief Lonnie Click - Fire District # 1; Brad O'Brien; Brian Bell; Daniel Gonzalez; Elizabeth Koerner; Jessica Harris; Michelle Johnson; Troy Taylor; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov); Benton Franklin Health District - JoDee Peyton; Benton Franklin Health District - Rebecca Warrington ; Justin Gerber; Benton PUD - Brenda Webb; Benton PUD - Chad Brooks; Benton PUD - Nancy Lang; Benton PUD - Shanna Everson; Benton PUD - Tina Glines (glinest@bentonpud.org)  
**Cc:** Andrea Watts  
**Subject:** CUP 2023-005 Klann ADU  
**Attachments:** CUP 2023-005 Klann App.pdf; CUP 2023-005 Klann Site Pan.pdf; CUP 2023-005 Klann Floor Plan.pdf

Good morning,

The Benton County Planning Division has received a Conditional Use Application for an Accessory Dwelling Unit for Raymond Klann. The proposal is an 800 square foot accessory dwelling located at 42207 E BADGER RD in Benton City, WA (126973012132002).

Please review the attached application documents and provide any comments you may have by **March 30<sup>th</sup>, 2023**.

Many thanks,

## Andrea Watts

---

**From:** Brian Bell  
**Sent:** Thursday, March 16, 2023 9:33 AM  
**To:** Planning Department; Gary Tiplady; Cristina Woods; GIS; Kennewick Irrigation District - Application and SEPA Review (development@kid.org); Fire District #1 - Staff; lonnie@bentonone.org; Brad O'Brien; Daniel Gonzalez; Elizabeth Koerner; Jessica Harris; Michelle Johnson; Troy Taylor; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov); Benton Franklin Health District - JoDee Peyton; Benton Franklin Health District - Rebecca Warrington ; Justin Gerber; Benton PUD - Brenda Webb; Benton PUD - Chad Brooks; Benton PUD - Nancy Lang; Benton PUD - Shanna Everson; Benton PUD - Tina Glines (glinest@bentonpud.org)  
**Cc:** Andrea Watts  
**Subject:** RE: CUP 2023-005 Klann ADU

From the perspective of the undersigned as representative of the Building Division, the following would have to be considered and made compliant as part of the creation of the (Auxiliary Dwelling Unit) ADU:

- Full compliance of the International Residential Code (IRC) for the applicable code cycle
- Full compliance of the Washington State Energy Code (WSEC) for the applicable code cycle
- Full compliance in the design and construction to meet Benton County limitations for an ADU
- Full compliance which may be applicable under any Home Owners Association or nationhood convenience (responsibility of the owner to meet compliance in this area)

J. Brian Bell  
Assistant Manager  
Benton County Building Division  
(509) 735-3500



---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, March 16, 2023 8:44 AM  
**To:** Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Fire District #1 - Staff <staff@bentonone.org>; lonnie@bentonone.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; 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:** Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Subject:** CUP 2023-005 Klann ADU

Good morning,

The Benton County Planning Division has received a Conditional Use Application for an Accessory Dwelling Unit for Raymond Klann. The proposal is an 800 square foot accessory dwelling located at 42207 E BADGER RD in Benton City, WA (126973012132002).

Please review the attached application documents and provide any comments you may have by **March 30<sup>th</sup>, 2023**.

Many thanks,





**Andrea Watts**

*Senior Planner*

Benton County Community Development Department - Planning Division

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

(509) 786-5612

**Elizabeth Koerner**

---

**From:** Daniel Tissell <DTissell@kid.org>  
**Sent:** Tuesday, March 21, 2023 2:38 PM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: CUP 2023-005 Klann ADU

**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.

KID has no comment regarding this matter.

Thanks,

Daniel Tissell, P.E.  
Engineering Manager  
Kennewick Irrigation District  
2015 S. Ely Street  
Kennewick, WA 99337  
(509) 586-6012 ext. 116



---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, March 16, 2023 8:44 AM  
**To:** Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Development <development@kid.org>; Fire District #1 - Staff <staff@bentonone.org>; lonnie@bentonone.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; 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:** Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Subject:** CUP 2023-005 Klann ADU

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Many thanks,





**Andrea Watts**

*Senior Planner*

Benton County Community Development Department - Planning Division

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

(509) 786-5612

**Elizabeth Koerner**

---

**From:** Tina Glines <glinest@bentonpud.org>  
**Sent:** Monday, March 20, 2023 7:39 AM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: [E] CUP 2023-005 Klann ADU

**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.

It appears that the customer will need a line extension to provide power to the ADU, they need to contact Engineering 509-582-1230.

Thank you,

*Tina Glines*

Distribution Design Technician  
(509) 582-1241



---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, March 16, 2023 8:44 AM  
**To:** Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Fire District #1 - Staff <staff@bentonone.org>; Lonnie@bentonone.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; 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:** Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Subject:** [E] CUP 2023-005 Klann ADU

**[EXTERNAL EMAIL]**

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Many thanks,

Type text here



**Andrea Watts**

*Senior Planner*

Benton County Community Development Department - Planning Division

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

(509) 786-5612

## Elizabeth Koerner

---

**From:** Cristina Woods  
**Sent:** Monday, March 20, 2023 8:07 AM  
**To:** Planning Department  
**Subject:** RE: CUP 2023-005 Klann ADU

Good morning

Public Works has no comments.

Thank you



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

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, March 16, 2023 8:44 AM  
**To:** Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Fire District #1 - Staff <staff@bentonone.org>; lonnie@bentonone.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; 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>  
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Many thanks,





**Andrea Watts**

*Senior Planner*

Benton County Community Development Department - Planning Division

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

(509) 786-5612



## HEM 1.11

### 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](mailto:planning.department@co.benton.wa.us) or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick or mailed to 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](mailto:planning.department@co.benton.wa.us), P.O. Box 910 Prosser, WA 99350, 102206 E. Wiser Parkway, Kennewick, WA 99338 or 620 Market Street, First Floor, Prosser, WA 99350.

Dated this 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