

EXHIBIT LIST FOR CUP 2023-006
Alberto Torres- Chacon

Hearings Examiner Staff Memo Exhibit List - May 12, 2023 hearing		
HEM 1.1	Staff Memo	May 3, 2023
HEM 1.2	Vicinity map	April 7, 2023
HEM 1.3	Application	March 13, 2023
HEM 1.4	Site Plan	March 13, 2023
HEM 1.5	Written Determination of Completeness	March 16, 2023
HEM 1.6	Agency review request	March 16, 2023
HEM 1.7	Comments from DOL ATL	March 16, 2023
HEM 1.8	Comment from Public Works	March 20, 2023
HEM 1.9	Notice of Open Record Hearings	April 19, 2023
Exhibits Submitted During Hearing or while record remained open		
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HEH 1.2		
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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

STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER
Alberto Torres-Chacon
Home Occupancy - Online FFL Business

FILE NO: CUP 2023-006

HEARING DATE: May 12, 2023

APPLICANT/OWNER: Alberto Torres-Chacon, 273 Mata Rd Kennewick, WA 99338

LOCATION: General Location: The property is located immediately southwest of the intersection of Mata Rd, and Tajo Ct in the Kennewick area of unincorporated Benton County, Washington.
Situs Address: 273 Mata Rd Kennewick, WA 99338
Abbreviated Legal: Rancho Del Rey No. 2: Block 3, Lot 1. Section 02, Township 08 N, Range 28 E, W.M.
Parcel Number: 102883030003001

PROPERTY SIZE: Approximately 0.47 acres

AREA TO BE USED: 81 sq. ft. of an existing 1,751 sq. ft. single family dwelling

LAND USE: Residential

ZONING: Urban Growth Area Residential District

COMPREHENSIVE PLAN DESIGNATION: Urban

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested twenty one (21) Findings of Fact and ten (10) Conditions of Approval as outlined in this Staff Report.

APPLICATION DESCRIPTION:

The applicant is requesting a Conditional Use Permit (**HEM 1.3**) to operate a home occupation business for an online Federal Firearms License (FFL) retail business for sales of firearm, firearm parts and accessories. Business activities involving associated paperwork and temporary storage of orders will take place within one bedroom of the existing single family residence.

Customers are proposed to submit online orders to the applicant who will then procure items

from other FFL retailers and coordinate delivery either directly to the customer or to the applicant for temporary storage. There are to be no customers on site at any time and all testing of firearms shall be conducted off site at an established gun range.

The applicant is proposed to be the only employee and will assist the customers in filling out and submitting the correct paperwork to applicable state and federal authorities. Business hours would be on an as needed basis Monday through Sunday, 8:00am to 6:00pm.

The property is located in Section 02, Township 08 N, Range 28 E, W.M. on Lot 1 of Block 3 of the Plat of Rancho Del Rey No. 2 which is approximately 0.47 acres in the Urban Growth Area Residential Zoning District.

The application for CUP 2023-006 (HEM 1.3) was submitted to the Benton County Planning Division on March 13, 2023.

The application for CUP 2023-006 was declared complete (HEM 1.5) for processing on March 16, 2023.

The application documents for CUP 2023-006 were distributed to reviewing agencies on March 16, 2023. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing was published on April 26, 2023, in the Prosser Record Bulletin. (HEM 1.9)

The Notice of Hearing 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*
3.3.1.1 Urban Land Use Designations
Urban lands in Benton County include land within the city limits and the UGAs. There are five designated and approved urban growth areas (UGA's) in Benton County: Benton City (Appendix A Figure 18), Kennewick (Appendix A-Figure 19), Prosser (Appendix A-Figure 20), Richland (Appendix A-Figure 21), and West Richland (Appendix A-Figure 22). The densities, uses, and development provisions allowed within this land use assure that development patterns are consistent with city comprehensive plans.
2. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.03 Definitions
Section 11.03.010 (86): Home Occupation
Home Occupation means any business use that is clearly incidental and secondary to the use of the property for residential purposes.

3. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.07 Urban Growth Area Residential District (UGAR)
Section 11.07.060 Uses Requiring a Conditional Use Permit
(f) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.

4. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.49 Home Occupation
Section 11.49.040 Allowable Uses
(b) Office use activities used by architects, attorneys, contractors, consultants, computer/internet based businesses, and similar uses.

5. *Washington State Revised Code of Washington (RCW)*
Title 9 RCW Crimes and Punishments
Chapter 9.41 Firearms and Dangerous Weapons
Section 9.41.010 Definitions
(6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.
(20) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

Section 9.41.100 Dealer licensing and registration required.

Every dealer shall be licensed as provided in RCW 9.41.110 and shall register with the department of revenue as provided in chapters 82.04 and 82.32 RCW.

Section 9.41.110 Dealer's licenses, by whom granted, conditions, fees — Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.

- (1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.
- (2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.
- (3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.
- (4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as

provided in RCW 9.41.010 through 9.41.810. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

- (5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.
- (b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of pistols or semiautomatic assault rifles that are applicable to dealers.
- (6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.
- (b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.
- In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.
- (7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.
- (8)(a) No pistol or semiautomatic assault rifle may be sold: (i) In violation of any provisions of RCW 9.41.010 through 9.41.810; nor (ii) may a pistol or semiautomatic assault rifle be sold under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.
- (b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

- (c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.
- (9)(a) A true record in triplicate shall be made of every pistol or semiautomatic assault rifle sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm.
- (b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.
- (10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.
- (11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.
- (12) Except as provided in RCW 9.41.090, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

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.

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 Building Division
 - b. Benton County Code Enforcement
 - c. Benton County Fire District #1
 - d. Benton County Fire Marshal
 - e. Benton County Public Works Department
 - f. Benton-Franklin Health District
 - g. Benton PUD
 - h. Benton Clean Air Agency
 - i. Badger Mountain Irrigation District
 - j. The Bureau of Alcohol, Tobacco, Firearms, and explosives
 - k. The City of Kennewick
 - l. The City of Richland
 - m. The Washington State Department of Licensing
 - n. The Washington State Department of Ecology
2. The following are comments from the **Washington State Department of Licensing (HEM 1.7)**:
 - a. Department of Licensing is just a record keeper for firearms data and can't give input on firearms dealer licensing. All we can do is put the information in the system once a license has been issued or denied.
3. The following are comments from the **Benton County Planning Division**:
 - a. Business activity is limited to the 81 sq. ft. bedroom as described within the application and supplemental material.
 - b. Requirements for signage are detailed within *Benton County Code (BCC) Chapter 3.06 Uniform Sign Code*.
 - c. Prior to issuance of any development permits, the applicant must obtain any required permits from the Benton Franklin Health District and Benton County Building Division.
 - d. Applicant must have a valid Federal Firearms License for the life of the Conditional

Use Permit. If at any time the FFL license expires or is otherwise revoked this CUP will be null and void.

- e. No ammunition or other explosive materials in association with this business may be stored or manufactured onsite at any time.
- f. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified on this property. 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 suggested 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 public hearing for this application will need to be considered by the Hearings Examiner and may be added to the Findings of Fact and Conditions of Approval. 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, the Planning Staff recommends approval with the following Findings of Fact and Conditions of Approval:

SUGGESTED FINDINGS OF FACT:

1. The applicant is Alberto Torres-Chacon, 273 Mata, Rd Kennewick, WA 99338.
2. The applicant is requesting a Conditional Use Permit (HEM 1.3) to operate a home occupation retail business for online ordering of firearms, firearm parts, and accessories.
3. The applicant must obtain a Federal Firearms License to engage in business pertaining to the manufacture, importation, and interstate/intrastate sales of firearms and ammunition.
4. Customers are proposed to submit online orders to the applicant who will then procure items from other FFL retailers and coordinate delivery either directly to the customer or to the applicant for temporary storage.
5. The proposed business activity will take place in an 81 sq. ft. bedroom within a 1,751 sq. foot existing single family dwelling located on Lot 1 of Block 3 of the Plat of Rancho Del Rey No. 2 in Section 02, Township 08 N, Range 28 E, W.M.
6. The proposed business activities taking place on-site will primarily be paperwork associated with business, online retail sales, and NFA transfers with temporary storage of firearms, firearm parts, and accessories while necessary paperwork is processed in compliance with the applicable state and federal laws.
7. The applicant has proposed to provide an "item test" which will be executed at an established and licensed off-site gun range.
8. All firearms and NFA items shall be stored in gun safes located within the 81 sq. ft. bedroom.
9. Hours of operation are proposed to be on an as needed basis Monday- Sunday 8:00am to 6:00pm.

10. There is no proposed signage.
11. The proprietor is to be the only proposed employee.
12. The property is located immediately southwest of the intersection of Mata Rd and Tajo Ct. in the Kennewick area of unincorporated Benton County, Washington.
13. The property is zoned Urban Growth Area Residential District (UGAR).
14. The property to the south is within the City of Richland.
15. Surrounding land uses are similar in nature to the applicant's current residential use of the property.
16. The application for CUP 2023-006 meets the intent and standards of the Benton County Comprehensive Plan.
17. The application for CUP 2023-006 meets the definition, requirements, and standards of the Benton County Code, Title 11.
18. There are no designated critical areas on this property. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
19. Public notice requirements have been met for CUP 2023-006. (HEM 1.6)
20. Agency comments were received from:
 - a. The Washington State Department of Licensing (HEM 1.7)
21. There were no comments received from the public.

SUGGESTED CONDITIONS OF APPROVAL:

1. The ongoing activities on the site shall comply with the submitted site plan and materials submitted for this application including but not limited to:
 - a. All business activity that takes place on the premises is limited to the 81 sq. ft. bedroom within the residence.
 - b. Assembly of rifles is not to include any grinding, drilling, welding, or modifications that are not allowed by state and federal firearms regulations.
 - c. No customers are to be present onsite.
 - d. There are to be no employees other than the proprietor.
2. No ammunition or other explosive materials in association with this business may be stored or manufactured onsite at any time.
3. All firearms are required to be stored within a safe, gun safe, gun case, lock box or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination or other similar means.
4. Applicant must have a valid Federal Firearms License for the life of the Conditional Use Permit. If at any time the FFL license expires or is otherwise revoked this CUP will be null and void.
5. Applicant must abide by all Federal and Washington State firearm codes, laws, and regulations.
6. 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 County Fire Marshal
 - e. Benton Franklin Health District
7. The applicant will meet and comply with *Benton County Code 3.06 Sign Code*. Off-site signage will not be permitted.
 8. Vehicle parking associated with the activities on the property shall be accommodated on the site. No vehicle parking is allowed in the County right of way.
 9. The business shall comply with *Benton County Code Title 11* for the life of the conditional use.
 10. Future construction or activities associated with this business operation require review under the Benton County Zoning Ordinance. Applicants shall contact the Planning Division prior to any construction or changes in activities on site.

TIME TO COMPLETE CONDITIONS OF APPROVAL:

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

If the conditions of approval have not been met and the Planning Division does not issue the Conditional Use Permit within one (1) year from the date of this decision, the Hearings Examiner may declare it null and void. 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 may not be transferred by a holder. If a new property owner wishes to operate an FFL business at this location, a new Conditional Use Permit application must be applied for and approved by the Benton County Hearings Examiner.

VIOLATIONS OF CONDITIONS OF APPROVAL:

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

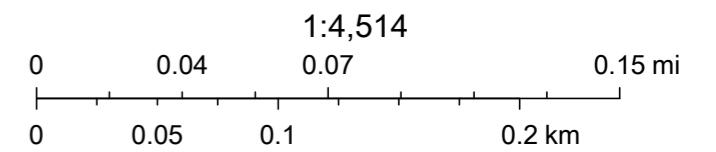
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with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



4/19/2023, 3:38:54 PM

Access_Easement_3965
Parcels_and_Assess_3424

City Limits
Richland



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,

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CONDITIONAL USE PERMIT APPLICATION

File No. CUP 2023-000

RECEIVED

MAR 13 2023

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent: Alberto Torres-Chacon
Mailing Address: 273 Mata Rd City: Kennewick
State: WA ZIP: 99338 Phone: (509) 980-1247 Work: _____
Email Address: Torres1-AA@Yahoo.com
Signature: [Signature] Date: 3/14/2023

Property Owner(s) (if different): _____
Mailing Address: _____ City: _____
State: _____ ZIP: _____ Phone: _____ Work: _____
Email Address: _____
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

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

Applicant/Legal Owner: _____
Officer name: _____
Title: _____
Signature: _____ Date: _____

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

PARCEL INFORMATION

1. Subject property address: 273 MATA RD

City: Kennewick State: WA ZIP: 99338

2. Parcel number: 1-0288-303-0003-001 3. Acreage: 0.47

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

5. Utilities: Power: Benton PUD Benton REA

Sewer: Septic Tank City Sewer: (Provider) _____

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

Private System (Provider & Address) _____

City System (Provider) _____

Gas: No Yes: (Provider) _____

Cable: No Yes: (Provider) Spectrum

Phone: No Yes: (Provider) _____

Irrigation: No Private District: (Provider) Budger Mountain Irrigation

6. Present use of property: Residency

7. What is the proposed use? Home based FFL

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

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

If no, explain what outdoor activities would occur: _____

10. What is the total area, including storage that will be used? 100 to 200 Sq Ft

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

12. Is there a residence on site? Yes No

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

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

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

Days: Monday - Sunday Hours: 800 AM to 600 PM

a) Will the operation be seasonal? Months of operation: NO

15. Will you have a sign? Yes No

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

a) Number of sign(s)? N/A

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

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

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

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

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

17. How many parking spaces will be provided? Existing: 1 Proposed: Surface Type:

18. What is the name of the access road to the property? MATA RD

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

b) Is the road constructed out of: Pavement Gravel

19. Is any outdoor lighting proposed? Yes No

a) Where will it be located? N/A

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

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

a) What type and where will it be located? N/A

21. Additional comments or information: Using property for office work

and storage of NFA items/merchandise. Mostly online orders.

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

(FOR STAFF USE ONLY)

Application Complete: Y N

Critical Areas: N Y:

Zoning:

Reviewed by:

Date:

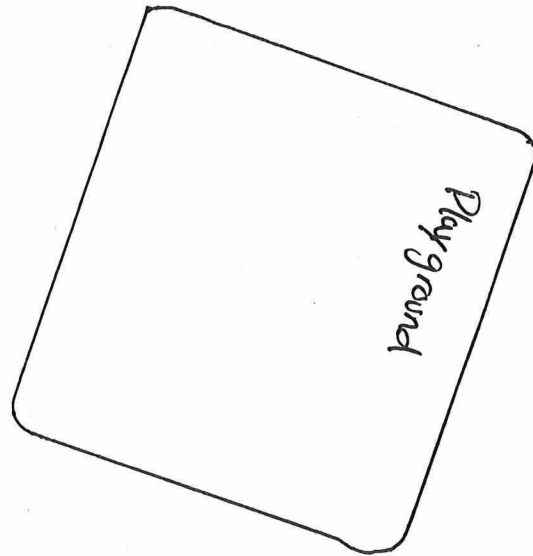
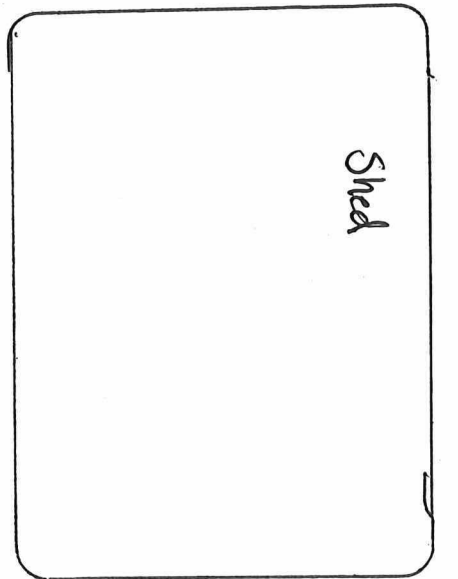
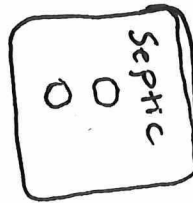
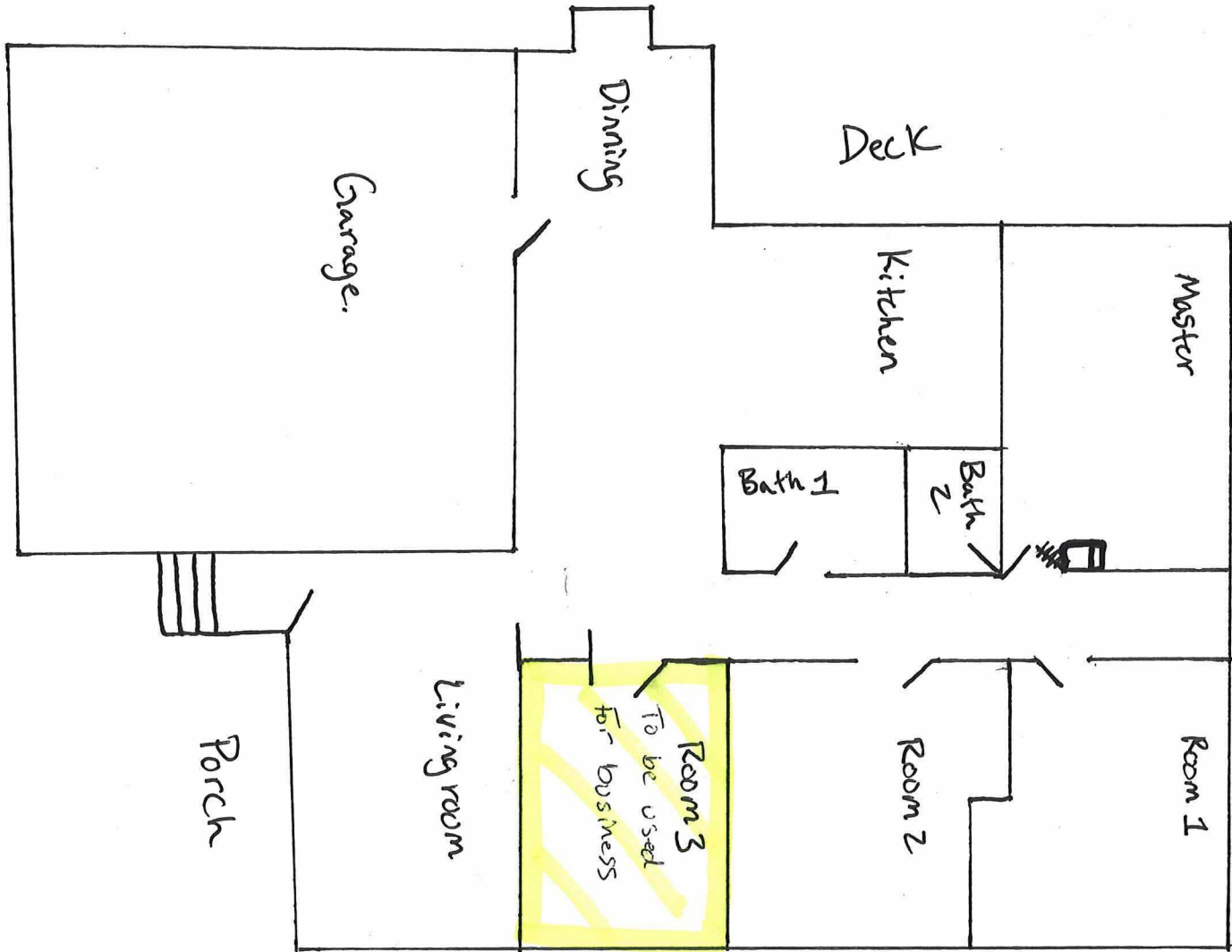
HEM 1.4

RECEIVED

MAR 13 2023

Benton Co. Planning Dept.

REATA RD



Parking.

TAYLOR ST

MAYARD

Community Development Department

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



Planning Division

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

March 16, 2023

HEM 1.5

Alberto Torres-Chacon
273 Mata Rd
Kennewick, WA 99338

Torres1_A@yahoo.com

RE: Written Determination of Completeness
File Number: CUP 2023-006

Dear Applicant,

This office is in receipt of your project permit application to for a home based retailer of firearms, firearm parts, accessories, and ammunition with strictly online ordering and sales. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2023-006) and the review process will now begin.

Although this office has determined that your application is complete, more clarification or information may be needed from you 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,

Andrea Watts. Senior Planner
Benton County Planning Division

Nikki Relyea

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Thursday, March 16, 2023 10:40 AM
To: Gary Tiplady; Cristina Woods; bmid@badgermountainirrigation.com; Fire District #1 - Staff; lonnie@bentonone.org; City of Richland - Stevens, Mike; anthony.muai@ci.kennewick.wa.us; firearms@dol.wa.gov; victoria.callia@atf.gov; Bureau of ATF, US DOJ - Heidi M. Folsom ; Code Enforcement; Benton Clean Air Agency - Noah Lee; WA Dept of Ecology - Gwen Clear; Brian Bell; 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 2023-006 Torres FFL Type 7 Agency Review
Attachments: CUP 2023-006 Torres Application.pdf; CUP 2023-006 Torres Updated Business plan.pdf; CUP 2023-006 Torres Floorplan.pdf

Good afternoon,

The Benton County Planning Division has received a Conditional Use Permit Application for a home based 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, WA. The applicant will be the only employee and provide help to customers filling out paperwork and will deliver the firearm to the client when they are cleared for possession.

Please review to provide documentation and provide any comments or conditions you may have by **March 30, 2023**.

Regards,



Andrea Watts

Senior Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

Andrea Watts

From: DOL Firearms <Firearms@DOL.WA.GOV>
Sent: Thursday, March 16, 2023 12:31 PM
To: Planning Department
Subject: [EXTERNAL] RE: CUP 2023-006 Torres FFL Type 7 Agency Review

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.

Andrea,

Department of Licensing is just a record keeper for firearms data and can't give input on firearms dealer licensing. All we can do is put the information in the system once a license has been issued or denied.

Have a nice day,

Kim S.

Customer Service Specialist
Regulatory, Compliance, UCC and Firearms Programs
Washington State Department of Licensing
Phone: 360-664-6616
Firearms@dol.wa.gov | dol.wa.gov

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From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Thursday, March 16, 2023 10:40 AM
To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; bmid@badgermountainirrigation.com; Fire District #1 - Staff <staff@bentonone.org>; lonnie@bentonone.org; City of Richland - Stevens, Mike <mstevens@CI.RICHLAND.WA.US>; anthony.muai@ci.kennewick.wa.us; DOL Firearms <Firearms@DOL.WA.GOV>; victoria.callia@atf.gov; Bureau of ATF, US DOJ - Heidi M. Folsom <heidi.m.folsom@usdoj.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; Benton Clean Air Agency - Noah Lee <noah.lee@bentoncleanair.org>; ECY RE CRO SEPA Coordinator <crosepa@ecy.wa.gov>; Brian Bell <Brian.Bell@co.benton.wa.us>; Domagalski, Sean (DOHi) <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>
Cc: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Subject: CUP 2023-006 Torres FFL Type 7 Agency Review

External Email

Good afternoon,

The Benton County Planning Division has received a Conditional Use Permit Application for a home based 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, WA. The applicant will be the only employee and provide help to customers filling out paperwork and will deliver the firearm to the client when they are cleared for possession.

Please review to provide documentation and provide any comments or conditions you may have by **March 30, 2023**.

Regards,



Andrea Watts

Senior Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

Elizabeth Koerner

From: Cristina Woods
Sent: Monday, March 20, 2023 8:10 AM
To: Planning Department
Subject: RE: CUP 2023-006 Torres FFL Type 7 Agency Review

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
(509) 786-5611

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Thursday, March 16, 2023 10:40 AM
To: Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; bmid@badgermountainirrigation.com; Fire District #1 - Staff <staff@bentonone.org>; lonnie@bentonone.org; City of Richland - Stevens, Mike <mstevens@CI.RICHLAND.WA.US>; anthony.muai@ci.kennewick.wa.us; firearms@dol.wa.gov; victoria.callia@atf.gov; Bureau of ATF, US DOJ - Heidi M. Folsom <heidi.m.folsom@usdoj.gov>; Code Enforcement <code.enforcement@co.benton.wa.us>; Benton Clean Air Agency - Noah Lee <noah.lee@bentoncleanair.org>; WA Dept of Ecology - Gwen Clear <crosepacoordinator@ecy.wa.gov>; Brian Bell <Brian.Bell@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 2023-006 Torres FFL Type 7 Agency Review

Good afternoon,

The Benton County Planning Division has received a Conditional Use Permit Application for a home based 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, WA. The applicant will be the only employee and provide help to customers filling out paperwork and will deliver the firearm to the client when they are cleared for possession.

Please review to provide documentation and provide any comments or conditions you may have by **March 30, 2023**.

Regards,



Andrea Watts

Senior Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612



HEM 1.9

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