

EXHIBIT LIST FOR CUP 2023-008
Keith Hughes

Hearings Examiner Staff Memo Exhibit List -July 21, 2023 hearing		
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HEM 1.3	Application	April 10, 2023
HEM 1.4	Site Plan	April 10, 2023
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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
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HEM 1.1

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
D. Keith Hughes
Detached Accessory Dwelling Unit**

FILE NO: CUP 2023-008

MEMO DATE: May 18, 2023

HEARING DATE: July 21, 2023

OWNER/APPLICANT: D. Keith Hughes, 8600 W. Clearwater Ave, Kennewick, WA 99336

LOCATION: General Location: The property is located approximately 0.09 miles east of the intersection of Harrington Rd and N 302 PR NE in the West Richland Area.
Address: 113706 N Harrington PRNE West Richland, WA 99353
Legal: Lot 3 of Short Plat #1763
Parcel Number: 10307307/11763007

PROPERTY SIZE: Approximately 5.00 Acres

AREA TO BE USED: Not to exceed 800 square feet

LAND USE: Residential

ZONING: Rural Lands Five Acre District

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

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 an existing dwelling unit into a 720 square foot Accessory Dwelling Unit (ADU), as they plan to construct a new 3,884 square foot single family dwelling. The ADU which will be located south of the proposed SFD and located within an existing 3,744 square foot shop building. The landowners would like to retain the existing dwelling once they build their new home on the parcel by converting it into an ADU.

The property is approximately 5 acres in size and is zoned Rural Lands Five Acre District (RL-5). The site is currently occupied by a 3,744 square foot shop building which includes the dwelling that is proposed to be converted to an ADU. A building permit application has not yet been received for the newly proposed 3,884 square foot single family dwelling, however the applicant has provided a copy of the proposed floorplan and layout of the new single-family dwelling to the

Planning Division. (HEM 1.4)

The application for CUP 2023-008 (HEM 1.3) was submitted to the Benton County Planning Division on April 10, 2023.

The application was declared complete for processing on April 20, 2023. (HEM 1.5)

The application documents were distributed to reviewing agencies on April 20, 2023. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2023-008 was published on July 5, 2023 in the Prosser Record Bulletin. (HEM 1.9)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on June 30, 2023.

The Open Record Hearing is scheduled for July 21, 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 2nd 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 29, 2023:
 - a. Benton County Public Works Department
 - b. Benton-Franklin Health District
 - c. Benton County Fire District #4
 - d. Benton County Building Division
 - e. Benton County Fire Marshal
 - f. Benton County Code Enforcement
 - g. Benton REA

2. The following comments were received from the **Benton County Building Department (HEM 1.7)**:

From the perspective of the Building Division, we have noted the following:

 - a. The address listed on the CUP application form is incorrect as written although the tax ID number is correct.
 - b. The property is exposed to a mapped flood area and may be impacted or limited by criteria for construction in a floodplain.
 - c. Within the CUP Application the existing property is described as a *shop with a 720 sf apartment*. In the permit for the existing structure (3-27-2017 – Permit #31045) the structure was applied for as agricultural use *shop and barn with 2880 sf main floor and an 864 sf upper floor*. The use of the property became problematic when an application was submitted to *install a woodstove in a residence*. This triggered a Code Enforcement contact followed by an application to add an 800 sf existing apartment in an existing building. The actual square footage of this upstairs space was calculated during plan review at 870 sf. All upstairs and downstairs areas communicate with one another internally. Potential issues converting the property to a viable ADU include:
 - a. The existing building as a whole was permitted to enclose 3,744 SF of space with an interior stairway and loft area. The general structure exceeds the limited size requirement of an ADU on both the upper and lower levels and the configuration would appear to conflict with the requirements of an ADU with interior stairway communication between spaces. As such modification to the building would be needed including exterior entrance and full division of ADU space from storage or other space.
 - b. Given the building plans originally presented for the structure, and communication between spaces, and the heating systems now installed, and discrepancy in indicated area size, a site visit, confirmation on size and evaluation of the use and occupancy at this time is suggested.
 - d. For more information, please contact Brian Bell at 509-735-3500.

3. The following are general comments and discussion points from the **Benton County Planning Division**:
 - a. The lot is zoned Rural Lands Five Acre District (RL-5).
 - b. The lot is designated Rural Remote 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. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, there are designated critical areas identified on the parcel, but are not within the proposed project location. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
 - f. The parcel falls within the Rural Water Supply Mitigation Area. The existing dwelling is considered exempt of the program, however any additional dwellings on the property will need to comply with the Rural Water Mitigation program.

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 2023-008 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 an existing dwelling unit into a 720 sq ft detached Accessory Dwelling Unit (ADU), as they intend to construct a 3,884 square foot primary single-family dwelling. The ADU is to be located south of the newly proposed single-family dwelling on the parcel. The proposed 3,884 square foot single-family dwelling will be utilized as the primary residence for the landowners of 113706 N Harrington PRNE, West Richland, WA 99353.
2. The applicant/property owners are D. Keith and Betty Jo Hughes, 8600 W Clearwater Ave, Kennewick, WA 99336.
3. The property is located approximately 0.09 miles east of the intersection of Harrington Rd and N 302 PR NE (Parcel 103073011763007).
4. The property is approximately 5.0 acres in size and is zoned Rural Lands Five Acre District (RL-5).
5. The proposed detached ADU will be accessory to a 3,844 square foot single-family dwelling.
6. The site is currently occupied by a 3,744 square foot shop building with a dwelling unit inside.

7. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
8. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
9. The proposed detached ADU complies with Benton County Building Division standards and requirements.
10. The application for CUP 2023-008 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
11. The application for CUP 2023-008 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
12. The application for CUP 2023-008 is consistent with the goals and policies of the Benton County Comprehensive Plan.
13. The application for CUP 2023-008 is consistent with the requirements of the Benton County Zoning Code.
14. The application for CUP 2023-008 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 proposed on the parcel/lot where the detached ADU is located.
 - c. The proposed single-family dwelling will be 3,844 square feet. Forty percent 40% of 3,884 square feet is 1,537 square feet. The applicant is proposing approximately 720 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 a 720 square foot existing dwelling into an ADU to be used as an accessory residence on the site in addition to the proposed primary 3,884 square foot single-family dwelling.
 - g. No additional dwelling or housing units other than the proposed 3,884 sq ft single-family dwelling 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 second-floor unit.
 - l. At the time of application, the owners plan to reside in the newly proposed 3,844 sq ft primary dwelling and retain the ADU.
 - 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.
- 15. The application for CUP 2023-008 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be a standalone structure.
- 16. The application for CUP 2023-008 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
 - a. The ADU will be south of the proposed single-family dwelling and the entrance to the dwelling is on the back side of the building facing away from the roadway.
 - 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.
- 17. The proposed detached ADU is compatible with other uses in the surrounding area and is no more incompatible than any other outright permitted uses in the applicable zoning district.
- 18. 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.
- 19. 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.
- 20. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
- 21. 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.
- 22. The original building permit for the dwelling unit that is proposed to be converted to the ADU was permitted to have 870 square feet of living space.

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
5. In order to meet the 800 square foot ADU maximum allowed living space, 70 square feet of the dwelling unit must be decommissioned, and all necessary permits must be obtained from the building division to do so.

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 2023-008 is in effect.

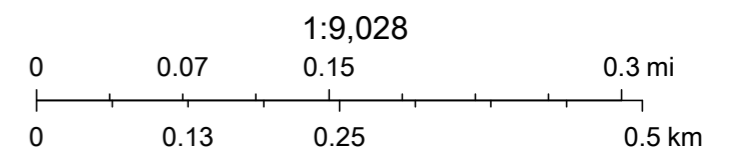
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with 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 2023-008 Vicinity Map

HEM 1.2



5/16/2023, 10:08:18 AM



Geophex Surveys Ltd., Maxar, Esri Community Maps Contributors, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of

Community Development Department
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RECEIVED

APR 10 2023

Benton County
Planning Division

CONDITIONAL USE PERMIT APPLICATION

File No. CUP-2023-008

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: D. Keith Hughes

Mailing Address (with City, State & zip): 8600 West Clearwater Ave Kennewick WA 99336

Phone #1: 509-521-9595 Phone #2: _____

Email Address(es): hughes.keith49@yahoo.com

Signature: D. Keith Hughes Date: 3/7/2023

Name of Property Owner(s) (if different): _____

Mailing Address (with 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 Division is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

PARCEL INFORMATION

1. Subject property address (including city): 13706 Harvington Rd PR NE

2. Parcel number(s): 103073011763007

3. Total Acreage: Five

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

5. 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: _____

6. Current use(s) on property: _____

7. What are you proposing to do that requires a Conditional Use Permit? We want to build a new home on the property and keep our apartment for emergencies

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.

8. Additional comments or information: _____

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

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

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CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

File No. _____

Applicant Name: D. Keith Hughes

1. Number of Accessory Dwelling Units currently on the property: The one being applied for.
2. Is there a single family dwelling currently on the property? Yes No TO BE CONSTRUCTED
3. What is the square footage of the main home? 3300
4. What is the square footage of the proposed accessory dwelling unit? 720
5. How many bedrooms will be in the Accessory Dwelling Unit? one
6. Does the landowner currently have any other land use permits? NO

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

My wife and I permitted and constructed a shop building with a 720 square foot apartment in 2017. We are currently in the process of obtaining the permits to construct a new home of approx. 3300 square feet on the same property as our Apartment / shop.

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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HEM 1.5

April 20, 2023

D. Keith Hughes
8600 W. Clearwater Ave.
Kennewick, WA 99336

hughes.keith49@yahoo.com

RE: Written Determination of Completeness
File Number: CUP 2023-008

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 2023-008) 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, appearing to read "Liz Koerner".

Liz Koerner, Associate Planner
Benton County Planning Division

Community Development Department

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



Planning Division

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

HEM 1.6

4/20/2023

Benton County Public Works Department
Benton-Franklin Health District
Benton County Fire District #4
Benton County Building Division
Benton County Fire Marshal
Benton County Code Enforcement
Benton REA
City of West Richland

RE: Agency review of a Conditional Use Permit application
File #: CUP 2023-008
Parcel #: 1-0307-301-1763-007
Applicant: D. Keith Hughes

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

The applicant is proposing to convert an existing 720 sq ft. apartment located inside of a shop building into a detached accessory dwelling unit on a parcel where they are proposing to construct a 3300 sq. ft. single-family residence. The Project address is 113706 N Harrington PR NE, Richland, WA 99353.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by **May 4, 2023**. Please reference file number **CUP 2023-008** in all correspondence.

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

Thank you,
Benton County Planning Division

Nikki Relyea

From: Brian Bell
Sent: Thursday, April 20, 2023 4:05 PM
To: Planning Department; Cristina Woods; Brad O'Brien; Benton Franklin Health District - Rebecca Warrington ; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov); Benton Franklin Health District - JoDee Peyton; justing@bfhd.wa.gov; Gary Tiplady; Benton REA - Derek Miller; Benton REA - Chris Cooke; Eric Mendenhall; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org); Fire District # 4 - Slita Bradley (sbradley@bcfd4.org); Dale Wilson
Subject: RE: CUP 2023-008 Hughes ADU Agency Review Request

From the perspective of the Building Division we have note the following:

- The address listed on the CUP application form is incorrect as written although the tax ID number is correct
- The property is exposed to mapped flood area and may be impacted or limited by criteria for construction in a floodplain
- Within the CUP Application the existing property is described as a *shop with a 720 sf apartment*. In the permit for the existing structure (3-27-2017 – Permit #31045) the structure was applied for as Agricultural use *shop and barn with 2880 sf main floor and a 864 sf upper floor*. The use of the property became problematic when an application was submitted to *install a woodstove in a residence*. This triggered a Code Enforcement contact followed by an application to add an 800 sf Existing Apartment in an Existing Building. The actual square footage of this upstairs space was calculated during plan review at 870 sf. All upstairs and downstairs areas communicate with one another internally. Potential issues converting the property to a viable ADU include:
 - o The existing building as a whole was permitted to enclose 3,744 SF of space with an interior stairway and loft area. The general structure exceeds the limited size requirement of an ADU on both the upper and lower levels and the configuration would appear to conflict with the requirements of an ADU with interior stairway communication between spaces. As such modification to the building would be needed including exterior entrance and full division of ADU space from storage or other space.
 - o Given the building plans originally presented for the structure, and communication between spaces, and the heating systems now installed, and discrepancy in indicated area size, a site visit, confirmation on size and evaluation of the use and occupancy at this time is suggested.

GIS image and floorplans imported for clarity

Nikki Relyea

From: Cristina Woods
Sent: Friday, April 21, 2023 8:10 AM
To: Planning Department
Subject: RE: CUP 2023-008 Hughes ADU Agency Review Request

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, April 20, 2023 10:32 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Benton Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <jodeer@bfhd.wa.gov>; justing@bfhd.wa.gov; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Benton REA - Derek Miller <dmler@bentonrea.org>; Benton REA - Chris Cooke <cchooke@bentonrea.org>; Eric Mendenhall <emendenhall@westrichland.org>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Fire District #4 - Slita Bradley (sbradley@bcfd4.org) <sbradley@bcfd4.org>; Dale Wilson <Dale.Wilson@co.benton.wa.us>
Subject: CUP 2023-008 Hughes ADU Agency Review Request

Please see the attached application materials for an Accessory Dwelling Unit Conditional Use Permit for Parcel # 1-0307-301-1763-007.

Please respond with any comments you may have by **May 4, 2023**.

Thank you,

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



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NOTICE OF OPEN RECORD HEARINGS

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

NOTICE IS FURTHER GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications **on July 21, 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 2023-003 - The applicant Eric Drury is proposing to construct a shop on his property at 89758 E Calico Road, Kennewick, WA 99338 and is requesting a variance to reduce the 25-foot setback from the east property line by 13 feet. The Rural Lands 1 acre District (RL-1) setbacks require all structures have a setback of 25 feet from the property line bordering any public road right-of-way. The granting of this variance would allow the proposed shop building to have a setback of 12 feet from the property line. Parcel# 1-0988-405-0000-042.

CONDITIONAL USE PERMIT – CUP 2023-008 - The applicant Keith Hughes is proposing to convert the existing single-family dwelling which is located inside of a shop building at 113706 N Harrington PR NE into a 720 square foot Accessory Dwelling Unit, as they are proposing to construct a new 3884 sq. ft. single-family residence. Parcel # 1-0307-301-1763-007.

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: 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 27 day of June 2023.

PUBLICATION DATE: July 5, 2023

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager
Community Development Department