

EXHIBIT LIST FOR CUP 2024-001 Elizabeth Reinkens

Hearings Examiner Staff Memo Exhibit List -February 16, 2024 hearing		
HEM 1.1	Staff Memo	February 8, 2024
HEM 1.2	Vicinity map	January 2, 2024
HEM 1.3	Application	January 2, 2024
HEM 1.4	Site Plan	January 2, 2024
HEM 1.5	Written Determination of Completeness	January 5, 2024
HEM 1.6	Agency review request	January 5, 2024
HEM 1.7	Comment from Benton County Public Works	January 8, 2024
HEM 1.8	Comment from Benton County Rural Water Supply	January 8, 2024
HEM 1.9	Comment from Benton County Fire Marshal	January 12, 2024
HEM 1.10	Comment from Jeffery Chapla	February 12, 2024
HEM 1.11	Notice of Open Record Hearings	January 31, 2024
Exhibits Submitted During Hearing or while record remained open		
HEH 1.1		
HEH 1.2		
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Community Development Department

Prosser Office: 620 Market Street, 1st Floor
 Kennewick Office: 102206 East Wisser Parkway
www.bentoncountywa.gov

**Planning Division**

(509) 786-5612
planning.department@co.benton.wa.us
 102206 E Wisser Parkway, Kennewick, WA 99338

**STAFF REPORT TO THE
 BENTON COUNTY HEARINGS EXAMINER
 Elizabeth Reinkins
 Detached Accessory Dwelling Unit**

FILE NO: CUP 2024-001

HEARING DATE: February 16, 2024

OWNER/APPLICANT: Elizabeth Reinkins, 7605 W Kennewick Ave, Kennewick, WA 99336

LOCATION: General Location: The property is located in the Richland area of unincorporated Benton County approximately 0.30 miles east of the intersection of Columbia Park Trail and Shockley Road.
Address: 412 N Columbia Park Trail, Richland, WA 99352.
Legal: Short Plat #3513, Lot 2 Subject to easements and restrictions of record.
Parcel Number: 122982013513002

PROPERTY SIZE: Approximately 1.02 Acres

AREA TO BE USED: Not to exceed 800 square feet

LAND USE: Residential

ZONING: Rural Lands 1 Acre District (RL1)

COMPREHENSIVE PLAN DESIGNATION: Rural Transition

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested twenty-two (22) Findings of Fact and six (6) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is proposing to construct a detached Accessory Dwelling Unit (ADU) within the Rural Lands One Acre District. The ADU is proposed to be 800 square feet in size and will be located northwest of the primary single-family dwelling on site. The applicant will reside in the primary dwelling while the ADU will be utilized by family members of the applicant.

The property is approximately 1.02 acres in size with the primary single-family dwelling currently undergoing an addition to bring the total living space of the residence to 2,450 square feet.

The application for CUP 2024-001 (HEM 1.3) was submitted to the Benton County Planning Division on January 2, 2024.

The application was declared complete for processing on January 5, 2024. (HEM 1.5)

The application documents were distributed to reviewing agencies on January 5, 2024. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2024-001 was published on January 31, 2024 in the Prosser Record Bulletin. (HEM 1.10)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on January 5, 2024.

The Open Record Hearing is scheduled for February 16, 2024.

APPLICABLE STANDARDS/ORDINANCES:

1. *Revised Code of Washington*
Chapter 36.70A.400 Growth Management—Planning by Selected Counties and Cities
Any local government, as defined in RCW 43.63A.215, that is planning under this chapter shall comply with RCW 43.63A.215(3).

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

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

2. *Benton County Comprehensive Plan*
3.3.2.3 Rural Land Use Designations

Rural Transition is designated to areas that are in close proximity to UGAs and have experienced steady growth in the last decade. The intent of the Rural Transition designation is to enable rural residential living in conjunction with providing a transition area between the rural and urban Benton County Comprehensive Plan 41 February 2018 environments, and potentially suitable for future inclusion into UGAs. Maximum allowable density in this land use category is 1 DU/acre.

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 (BCC)

Title 11 Zoning

Chapter 11.03 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.

Chapter 11.42 General Use Regulations

11.42.020 Accessory Dwelling Unit (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.
 - (16) The accessory dwelling unit shall comply with requirements in subsection (b) and (c) respectively.
- (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.
- (d) The applicant shall record the permit issued for the accessory dwelling unit with the Benton County Auditor's Office. The recording fee shall be paid by the applicant for the accessory dwelling unit. The permit shall include a statement that the accessory dwelling 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.

Chapter 11.50 Variance and Conditional Use

11.50.040 Conditional Use

(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.

(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 January 5, 2024.

- 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 County Rural Water Coordinator
 - h. City of Richland
 - i. Army Corps of Engineers
2. The following comments were received from the Benton County Fire Marshal (HEM 1.9):
 - a. The access road must comply with Benton County requirements for fire apparatus access.
 - b. For more information, please contact the Fire Marshal Gary Tiplady at (509)735-3500.
 3. The following comments were received from the Rural Water Supply Program (HEM 1.8):
 - a. The applicants application for the Rural Water Supply Program has been submitted and is currently under review.
 - b. For more information, please contact the Rural Water Supply Coordinator at (509) 786-5612.

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 2024-001 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

1. The applicant is proposing to construct an 800 square foot detached Accessory Dwelling Unit (ADU) located at 412 N Columbia Park Trail, Richland, WA 99352.
2. The applicant shall provide written consent to the Planning Division from the legal landowner (if different from applicant) granting permission for the operation of the conditional use prior to issuance of the CUP permit.
3. The applicant/property owner is Elizabeth Reinkins, 7605 W Kennewick Ave, Kennewick, WA 99336.
4. The property is approximately 1.02 acres in size and is zoned Rural Lands One Acre (RL-

- 1) District.

5. The property is located approximately 0.3 miles east of the intersection of Columbia Park Trail and Shockley Road in the Richland area (Parcel 122982013513002) within the Rural Lands One Acre District on unincorporated Benton County.
6. The ADU is proposed to be located northwest of the primary single-family dwelling on site which is currently constructing an addition to bring the total living space of the residence to 2,450 square feet.
7. The applicant will reside in the primary dwelling while the ADU will be utilized by family members of the applicant.
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 2024-001 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
12. The application for CUP 2024-001 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
13. The application for CUP 2024-001 is consistent with the goals and policies of the Benton County Comprehensive Plan.
14. The application for CUP 2024-001 is consistent with the requirements of the Benton County Zoning Code.
15. The application for CUP 2024-001 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 single-family dwelling will be 2,450 square feet. Forty percent 40% of 2,450 square feet is 980 square feet. The applicant is proposing 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 construct an 800 square foot ADU to be utilized by family members in addition to the 2,450 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 2024-001 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 2024-001 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
 - a. The proposed ADU is northwest 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.
 - b. Benton County Fire Marshal; for fire and safety regulations.
 - c. Benton Franklin Health District
 - d. Benton County Public Works Department; for road approach permits.
 - e. 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.
6. Prior to final occupancy of the ADU the applicant shall complete the addition to the single-family dwelling in compliance with the requirements of the Benton County Building Division.

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.

Should the legal landowner of the parcel change at anytime during the life of this Conditional Use Permit the new property owner must provide their written request to the Planning Division for the continuation or termination of the CUP.

Should a new applicant wish to continue operating the CUP, the new applicant must update the Conditional Use Permit application, accept the Conditions of Approval in writing, submit written consent from the legal landowner (if different from applicant) and be approved by the Planning Manager prior to transfer of the permit being allowed.

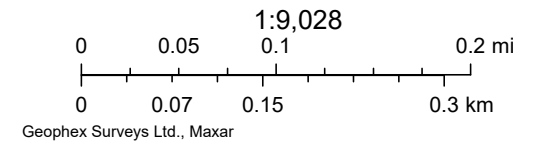
VIOLATIONS OF CONDITIONS OF APPROVAL:

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2024-001 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.



1/2/2024, 1:23:33 PM



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

CONDITIONAL USE PERMIT APPLICATION **RECEIVED**

File No. CUP 2024-001

JAN - 2 2024

APPLICANT INFORMATION

Benton Co. Planning Dept.

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Elizabeth Reinkens
Mailing Address (with City, State & zip): 7605 W Kennewick Ave *Kennewick WA 99336*
Phone #1: 509 521 2863 Phone #2: _____
Email Address(es): LIZ@eta-email.com
Signature: [Signature] Date: 12/6/23

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): 412 Columbia Park Trail Richland

2. Parcel number(s) 1-22982013513002

3. Total Acreage: 1.02

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

5. Utilities:

Power: Benton PUD Benton REA Other: City of Richland

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: Residential

7. What are you proposing to do that requires a Conditional Use Permit? ADU

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: _____

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.



CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

File No. CUP 2024-001
Applicant Name: Elizabeth Reinkens

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Benton Co. Planning Dept.

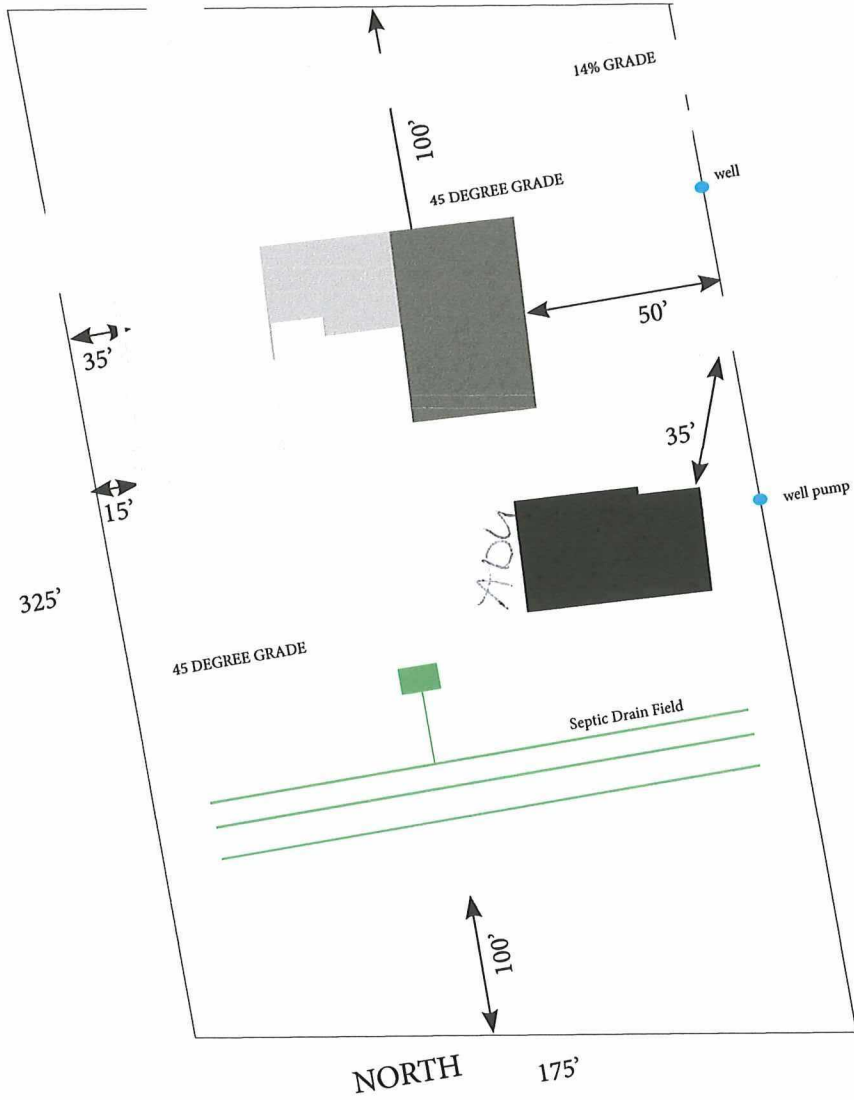
1. Number of Accessory Dwelling Units currently on the property: 0
2. Is there a single family dwelling currently on the property? Yes No
3. What is the square footage of the main home? 2450 +/-
4. What is the square footage of the proposed Accessory Dwelling Unit? 800
5. How many bedrooms will be in 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:

A house for my mom.

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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JAN - 2 2024

Benton Co. Planning Dept.



Community Development Department

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



Planning Division

(509) 786-5612
Planning.department@co.benton.wa.us
102206 East Wisner Parkway, Kennewick, WA 99338

January 5, 2024

Elizabeth Reinkens
7605 W Kennewick Avenue
Kennewick, WA 99336

Via Email: Liz@eta-email.com

RE: Written Determination of Completeness
File Number: CUP 2024-001

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 2024-001) and the review process will now begin.

Although this office has determined that your application is complete, more clarification or information may be needed from you as we go through the review process. Additional information and/or permits may be required from other agencies including, but not limited to, the Benton County Building Division, the Benton-Franklin Health District, and the Washington State Department of Health.

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

Sincerely,

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

Andrea Watts, Senior Planner
Benton County Planning Division

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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January 5, 2024

Benton County Public Works Department
Benton-Franklin Health District
Benton County Fire District #1
Benton County Building Division
Benton County Fire Marshal
Benton County Code Enforcement
Benton County Rural Water Coordinator
City of Richland
Army Corps of Engineers

RE: Agency review of a Conditional Use Permit application
File #: CUP 2024-001
Parcel #: 1-2298-201-3513-002
Applicant: Elizabeth Reinkens

Attached is a Conditional Use Permit application for your agency's review.

The applicant is proposing to construct an 800 sq. ft. detached accessory dwelling unit while finishing construction on the final phase of the main single family dwelling. The project is located in the Kennewick area within the Rural Lands 1 Acre District. Parcel number 1-2298-201-3513-002.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by **January 19, 2024**. Please reference file number **CUP 2024-001** 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: Cristina Woods
Sent: Monday, January 8, 2024 8:42 AM
To: Planning Department
Subject: RE: Agency Review CUP 2024-001 Elizabeth Reinkens

Good morning

Public Works has no comments.
They have a permitted access permit 2022-020.

Thank you



Cristina Woods, PE • *Civil Engineer I*
Benton County Public Works
102206 Wisner Parkway , Kennewick WA, 99338
(509) 786-5611 Ext: 5684

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, January 5, 2024 2:37 PM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Lonnie@bentonone.org; Fire District # 1 - Scott <scott@bentonone.org>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; City of Richland - Stevens, Mike <mstevens@ci.richland.wa.us>; US Army Corps of Engineers - Real Estate Division <cenww-re@usace.army.mil>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>
Cc: Benton Franklin Health District - JoDee Peyton <jodeer@bfhd.wa.gov>
Subject: Agency Review CUP 2024-001 Elizabeth Reinkens

Good afternoon,

Attached is an application for a Conditional Use Permit for a detached ADU for Elizabeth Reinkens.

Please review the application materials and provide any comments by **January 19, 2024.**

Thank you,

Nikki Relyea

From: Rural Water Supply Program
Sent: Monday, January 8, 2024 9:04 AM
To: Planning Department
Subject: RE: Agency Review CUP 2024-001 Elizabeth Reinkens

Elizabeth Reinkens has submitted her application for a Mitigation Certificate for the Rural Water Supply Program. It is under review at this time.



Donna Hutchinson

Rural Water Supply Coordinator
Community Development Dept.
Planning Division
102206 E. Wiser Parkway
Kennewick WA 99338

Phone: (509)786-5612

rural.water@co.benton.wa.us

www.co.benton.wa.us

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

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

Sent: Friday, January 5, 2024 2:37 PM

To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Justin Gerber <justing@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; lonnie@bentonone.org; Fire District # 1 - Scott <scott@bentonone.org>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; City of Richland - Stevens, Mike <mstevens@ci.richland.wa.us>; US Army Corps of Engineers - Real Estate Division <cenww-re@usace.army.mil>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>

Cc: Benton Franklin Health District - JoDee Peyton <jodeer@bfhd.wa.gov>

Subject: Agency Review CUP 2024-001 Elizabeth Reinkens

Good afternoon,

Attached is an application for a Conditional Use Permit for a detached ADU for Elizabeth Reinkens.

Please review the application materials and provide any comments by **January 19, 2024.**

Thank you,



January, 12, 2024

Fire Marshal Comments:

HEM 1.9

Nikki,

From the perspective of the Fire Marshal, I have no comments at this time except that the access road will have to comply with Benton County requirements for Fire Apparatus access. (specs attached)

If you have questions on these requirements, please, feel free to contact the County Fire Marshal at (509) 735-3500. Ext 2411.

Re: CUP 2024 -001, Reinkens

Gary Tiplady
Benton County Fire Marshal
Building Inspector II
509-735-3500
Gary.Tiplady@co.benton.wa.us

RECEIVED

FEB 12 2024

Benton Co. Planning Dept.

February 8, 2024

Jeffery J Chapla
396 Columbia Park Trail
Richland, Washington 99352

HEM 1.10

To Whom It May Concern,

I am writing to confirm my testimony / objection to the proposed CUP 2024-001 (applicant Elizabeth Reinkens) for an 800 square foot ADU on the property located at 412 Columbia Park Trail, Richland Washington. I object to the CUP for three reasons: 1) The ADU will have safety, health and code impacts to the shared driveway and well, 2) Ms. Reinkens uncontrolled nuisance(s) while constructing and occupying her property has severely diminished my ability to enjoy my home and property rights and 3) The proposed ADU does not meet the requirements since she has not completed the requisite dwelling size to construct a 800 square foot ADU.

In January 2022, I took occupancy of a new home built adjacent to Ms. Reinkens, which we have a shared well and driveway agreement. During the construction phase and until now, Ms. Reinkens has continued to infringe upon my ability to enjoy my property rights substantially and has caused a nuisance as well as created adverse physical and health conditions.

Impacts to Shared Well and Driveway Agreement

I am not satisfied and have not been provided any information on how the accessory dwelling unit will be constructed and erected to ensure that the provisions of our shared well agreement can be upheld. Specifically, the shared well agreement specifies that the system is designed to provide for 2 residential services and no construction is allowed within 100 feet of the well. It appears that the ADU is a third residence and constitutes a change to the water system design and the construction will not meet the requirements of the shared well agreement; it is not clear if the well can support additional dwelling water needs. We have not received any proposed amendments to the well agreement, including redistribution of the shared portion to accommodate the increased dwelling/residence on the property.

Additionally, it appears that the primary dwelling is within 100 feet of the well, which directly violates the Water User's Agreement.

Furthermore, Ms. Reinkens has not upheld the shared well agreement by conducting in "prohibited practices" where she has uncontrolled accumulations of garbage within 100 feet of the shared well. She has not established residential waste services and has stored waste outside her dwelling open to the environment; Benton County Code Enforcement has had to intervene multiple times and request her to properly manage the accumulated garbage. I am substantially concerned that adding another dwelling to her property will increase the amount of unmanaged trash.

Ref. Exhibit A “Water User’s Agreement Group B Residential 2 Unit Water System”

In reference to the shared driveway agreement and Benton County code(s) (Ref. Exhibit B Shared Access Agreement), it is not clear if the accessory dwelling unit will be built to the required driveway offset, that will accommodate parking/utilization for her premises and without interfering with my property.

Creation of a Nuisance, Trespassing and Safety Hazards

Severely over the last two years, Ms. Reinkens has created a significant nuisance from the overall management of her property and construction on her property, including the living and construction areas of her home. This includes broken windows stored in her yard (for the last 2 years), construction debris that has not been managed and uncontained household trash. She has not established residential waste services and has stored waste outside her dwelling open to the environment; Benton County Code Enforcement has had to intervene multiple times and requested her to properly manage the accumulated garbage.

Her repeated actions have interfered with my ability to enjoy my home and property rights; I believe my property value has also been diminished. Ref. Exhibit C for photos covering the points, below.

Ms. Reinkens has not and has refused to appropriately communicate with her contractors from trespassing onto my property (note: these activities do not occur in the shared driveway) despite providing multiple warnings of her contractor’s trespassing. On two separate occasions, contractors of Ms. Reinken’s have damaged aspects of my property and she has not provided remedy to the damages. In the first instance, her excavation contractor ran over newly installed landscaping curbing, damaging it. In the second instance, a contractor recklessly drove onto my property, running over multiple items in front of my garage, causing damage and threatening my wife. On a regular basis, contractors enter our property to turn around or to park despite making it very clear to Ms. Reinkens that she does not have permission to use my property in this manner. This refusal, and trespassing of persons under her control, has continued throughout her habitation of her property, including most recently February 9, 2024 when again I asked her to provide this communication to her contractors and she neglected to respond to my request.

Ms Reinkens has not taken action to correct damage to the shared driveway caused by heavy construction vehicles and daily use. There have been several instances where driveway gravel has had tire spins and dragging of gravel onto the asphalt areas. In none of these instances, has she corrected the damaged portions of the driveway and prevent damage to the shared asphalt areas. In good faith, we absorbed the majority of the cost of the grading, leveling, asphaltting and stoning the driveway which was made in part to fulfill code requirement for emergency vehicle access and turn around to both properties. I am unable to use a portion of my property

that permits the only emergency vehicle turn around access as a result and to which Ms. Reinkens benefits. Ms. Reinkens has demonstrated no consideration of the shared driveway which will be made worse by increased construction and use.


Finally, she has not ensured her contractors are managing and disposing of waste construction materials properly. For instance, her concrete contractor cleaned their concrete lines/machines over an embankment which connect to the irrigation canal that runs adjacent to our properties. Wastes from contractors are regularly observed to be left after work is complete both daily and throughout the construction phases. The wastes are left to be blown by wind, causing additional nuisance and littering to adjacent areas.

Additional Concerns

After review of the Benton County Code pertaining to Accessory Dwelling Units, I do not agree that an 800 square foot ADU is appropriate based on the currently erected dwelling located on Ms. Reinkens property. At this time, Ms. Reinkens has not constructed her single family home with the requisite square footage to meet the requirement. Further, she has been constructing her dwelling piecemeal over the last two years without an end in sight while impacting me daily, as described above. Adding additional permitted buildings to the property will inevitably prolong the overall construction, nuisance, and shared driveway wear and tear and subsequently my right to enjoy my property without adverse infringement. I should not have to look at the complete and utter mess that has pervasively existed on her property for over 2 years so that she may be extended the convenience to build more dwellings and negligently create more of the same mess, damage and interference.

I am fully opposed to the approval of the CUP ADU permit 2024-001 for Ms. Reinkens based on the information provided above.

Sincerely
Jeffery J. Chapla



2/12/2024

Exhibit A

2016-007186

03/18/2016 08:27:14 AM Page 2 of 6

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION

BY [Signature] 03/18/16 DEPUTY
Easement

**WATER USER'S AGREEMENT
GROUP B RESIDENTIAL 2 UNIT WATER SYSTEM**

WATER SYSTEM NAME: WHITING WATER SYSTEM

PARCEL NUMBER(S): 1-2298-202-0006-009

LEGAL DESCRIPTION: LOT 9, BLOCK 6, BADGER HEIGHTS

OWNERSHIP OF THE WELL AND WATERWORKS

It is agreed by the parties that each of said parties shall be and is hereby granted an undivided one-half interest in and to the use of the well and water system constructed. Each party shall be entitled to receive a supply of water for one residential dwelling and shall be furnished a reasonable supply of potable and healthful water for domestic purposes.

WATER SYSTEM DESIGN

This water system is designed to provide for 2 residential services. The design of the system is based on 600 gallons internal use per service per day and 4400 gallons external use per service per day. Additional planning and design approvals must be obtained from the department prior to expanding beyond this number of services or whenever there are changes made to the system, such as adding a treatment system.

COST OF MAINTENANCE OF WATER SYSTEM

Each party hereto covenants and agrees that they shall equally share the maintenance and operational costs of the well and water system herein described. The expense of water quality sampling as required by the State of Washington and BENTON County shall be shared equally by both parties. The parties shall establish and maintain a reserve account at a mutually agreed upon banking institution. Each party shall be entitled to receive an annual statement from said banking institution regarding the status of the reserve account. The monetary funds in the reserve account shall be utilized for the sole purpose of submitting water samples for quality analysis and maintaining, repairing or replacing the well and common waterworks equipment or appurtenance thereto.

EASEMENT OF WELL SITE AND PUMPHOUSE

There shall be an easement for the purpose of maintaining or repairing the well and appurtenances thereto. Said easement shall allow the installation of well house, pumps, water storage reservoirs, pressure tanks, and anything necessary to the operation of the water system.

2016-007186

03/18/2016 08:27:14 AM Page 3 of 6

WATER LINE EASEMENTS

~~WHITING REVOCABLE TRUST~~ grants ~~WHITING REVOCABLE TRUST~~ an easement for the use and purpose of conveying water from the well to the property of ~~WHITING REVOCABLE TRUST~~. This easement shall mean the right to install, repair, maintain, alter and operate a water line in, into, upon, over, across and under owners' above described property. This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors, or assigns. No permanent type of building shall be constructed upon the water line easement except as needed for the operation of the well and water system.

MAINTENANCE AND REPAIR OF PIPELINES

All pipelines in the water system shall be maintained so that there will be no leakage or seepage, or other defects which may cause contamination of the water, or injury, or damage to persons or property. Pipe material used in repairs shall meet approval of the Health Officer. Cost of repairing or maintaining common distribution pipelines shall be born equally by both parties. Each party in this agreement shall be responsible for the maintenance, repair, and replacement of pipe supplying water from the common water distribution piping to their own particular dwelling and property. Water pipelines shall not be installed within 10 feet of a septic tank or within 10 feet of sewage disposal drainfield lines.

PROHIBITED PRACTICES

The parties herein, their heirs, successors and/or assigns, will not construct, maintain or suffer to be constructed or maintained upon the said land and within 100 feet of the well herein described, so long as the same is operated to furnish water for public consumption, any of the following: septic tanks and drainfields, sewer lines, underground storage tanks, county or state roads, railroad tracks, vehicles, structures, barns, feeding stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste or garbage of any kind. The parties will not cross connect any portion or segment of the water system with any other water source without prior written approval of the Benton-Franklin District Health Department and/or other appropriate governmental agency.

WATER SYSTEM PURVEYOR

~~WHITING REVOCABLE TRUST~~ is designated "Purveyor" of the water system. The purveyor shall be responsible for arranging submission of all necessary water samples as required in the Washington Administrative Code and handling emergencies such as system shutdown and repair. The purveyor shall provide his/her name, address and telephone number to the Health Officer and shall serve as a contact person to the Health Officer. The purveyor shall organize and maintain the water system records and notify the Health Officer and all parties, service connections and lots that are included in this agreement, of the water quality tests that are required by WAC 246-201. Water system records shall be available for review and inspection by all parties in this agreement and the Health Officer.

2016-007186

03/18/2016 08:27:14 AM Page 4 of 6

PROVISIONS FOR CONTINUATION OF WATER SERVICE

The parties agree to maintain a continuous flow of water from the well and water system, herein described in accordance with public water supply requirements of the State of Washington and Benton County. In the event that the quality or quantity of water from the well becomes unsatisfactory as determined by the Health Officer, the parties shall develop a new source of water. Prior to development of, or connection to, a new source of water, the parties shall obtain written approval from the Health Officer. Each undivided interest and/or party shall share equally in the cost of developing the new source of water and installing the necessary equipment associated with the new source.

FUTURE MANAGEMENT

Approval of this public water system by the health jurisdiction was conditioned by future management or ownership by a state approved Satellite Management Agency. Health jurisdictions may enforce this provision if the system is not able to meet financial viability or other operating requirements.

RESTRICTION ON FURNISHING WATER TO ADDITIONAL PARTIES

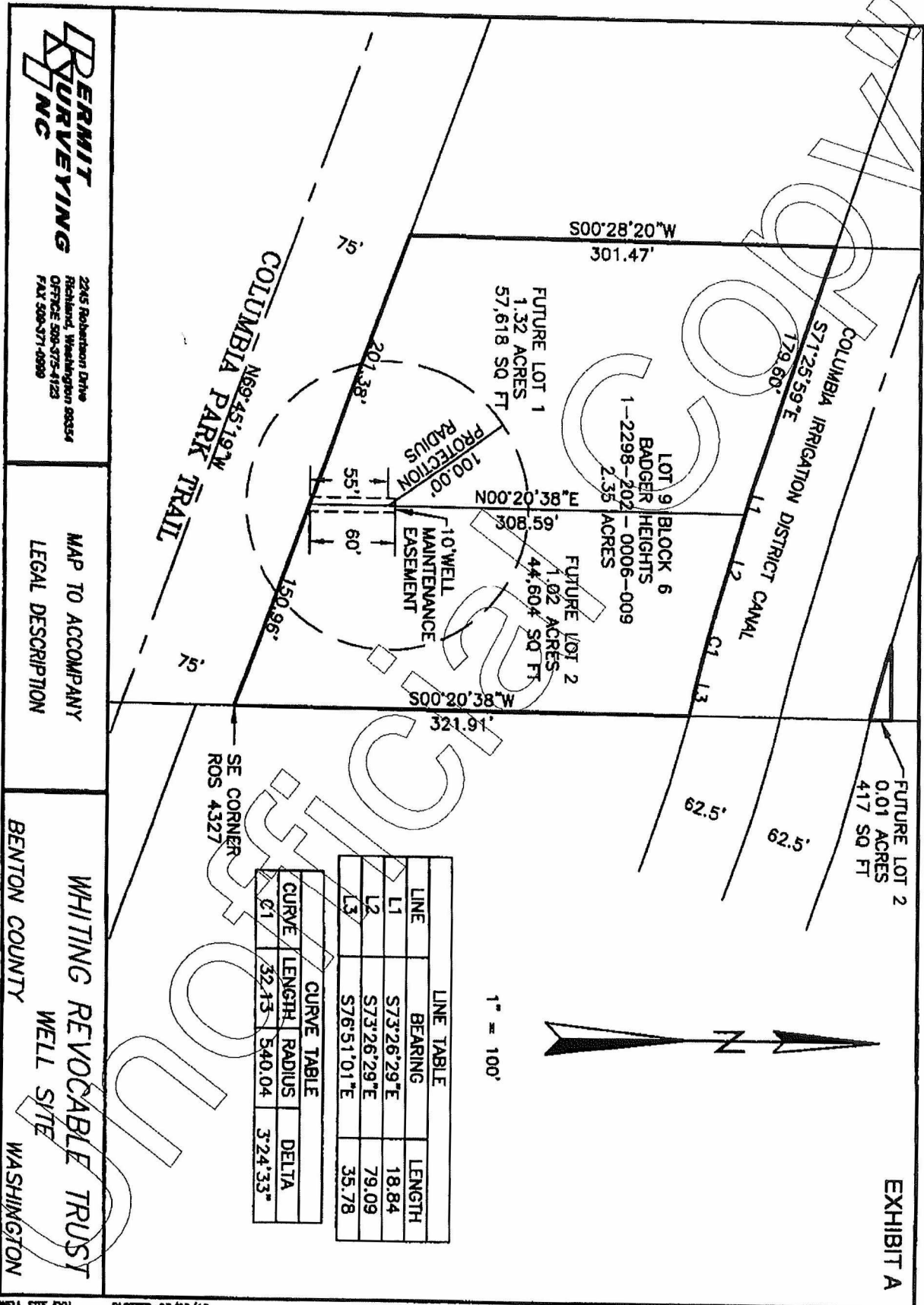
It is further agreed by the parties hereto that they shall not furnish water from the well and water system herein above described to any other persons, properties or dwelling without prior consent of both properties and written approval from the Benton-Franklin District Health Department.

RESTRICTION ON WATER USE

State water right laws prohibit this system from using more than 5000 gallons of water on any day. Also, the total amount of property which can be irrigated by the system cannot exceed 1/2 acre. In order to remain in compliance, the following parcel 1-298-201-0000-009 is prohibited from using more than 5000 gallons of water on any given day. Further, the total amount of yard, garden and other irrigation uses, by this property, cannot exceed 10,890 square feet.

HEIRS, SUCCESSORS AND ASSIGNS

These covenants and agreements shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in this land described herein or any part hereof, and it shall pass to and be for the benefit of each owner thereof.



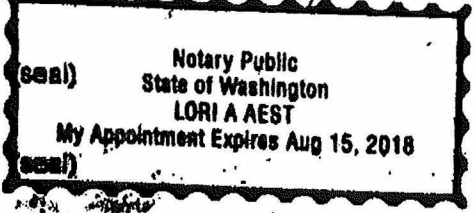
2016-007186

03/18/2016 08:27:14 AM Page 6 of 6

ENFORCEMENT OF AGREEMENT ON NON-CONFORMING PARTIES AND PROPERTIES

The parties herein agree to establish the right to make reasonable regulations for the operation of the system.

WITNESS under my hand on 2016 this 4th day of March, year



Miles & Est trustee

(parties)

State of Washington)
County of Pierce ss }

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 4th day of March, year 2016, personally appeared me before me Miles Scott Whiting and me to me known to be the individuals described in and who executed the within instrument, and acknowledge that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Lori A. Aest
Notary Public in and for the State of Washington,
residing at Big Harbor, Washington

Unofficial

WHEN RECORDED RETURN TO:

Raymond D. Whiting Trust
21310 212th Ave SE
Maple Valley, WA 98038

DOCUMENT TITLE(S) Well Agreement

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR(S): Miles Scott Whiting and Bryon Lloyd Whiting, Successor Trustees of the Raymond D. Whiting Revocable Trust dated 11-3-09

GRANTEE(S): Elizabeth Reinkens, a single woman

BENEFICIARY: N/A

TRUSTEE: N/A

LEGAL DESCRIPTION:

Lots 1 and 2, SHORT PLAT 3513, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2016-028666, RECORDS OF BENTON COUNTY, WASHINGTON

TAX PARCEL NUMBER(S):

1-2298-201-3513-001 & 1-2298-201-3513-002

Well Agreement

Lot 1 1-2298-201-3513-001 & Lot 2 1-2298-201-3513-002 of Short Plat No 3513 owners agree to split the cost of the well installation and maintenance.

Well installation costs include:

1. Well testing as required by the Benton County Building Department as needed for building permit. The well is required to be tested within 1 year of issuing build permit.
2. Well pump and associated equipment installed by a professional.
3. Well electrical permit and associated fees.
4. Electrical service and meter necessary for the well and pump.
5. Electrical connections and panel installed by a licensed electrician.
6. Each landowner will pay for their individual water rights fees assessed by the Health Department.

Well Maintenance costs include:

1. Annual well checkup and testing by a professional.
2. Well pump repair and replacement.
3. The well pump will have its own electrical meter. Cost of the electric bill will be split.
4. If the well fails or dries up a solution and cost sharing will be discussed at that time.
5. Each owner is responsible for running water lines from the well and pump to their home and property. And shall have a water system installed on their premises sufficient for their property and home that meets the Department of Health and Department of Ecology requirements.

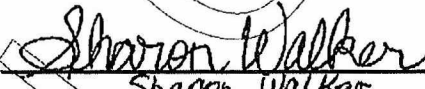


Elizabeth Reinkens

STATE OF WASHINGTON
COUNTY OF Benton } ss

I certify that I know or have satisfactory evidence that Elizabeth Reinkens are the persons who appeared before me, and said persons acknowledged that She signed this instrument and acknowledged it to be Hers free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 6-15-2020



Sharon Walker
Notary Public in and for the State of
Washington
Residing at Richland
My appointment expires: 4-20-2023



"Unofficial Copy"

Miles Scott Whiting
Miles Scott Whiting, Successor Trustee

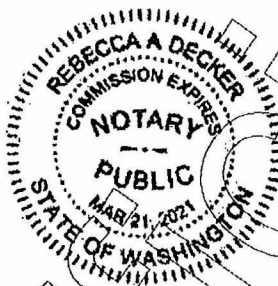
Bryon Lloyd Whiting
Bryon Lloyd Whiting, Successor Trustee

STATE OF WASHINGTON } ss
COUNTY OF King

I certify that I know or have satisfactory evidence that Miles Scott Whiting and Bryon Lloyd Whiting are the person(s) who appeared before me, and said person(s) acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it as the Successor Trustees of The Raymond D. Whiting Revocable Trust, dated 11-3-09 to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: June 16, 2020

Rebecca A. Decker
Rebecca A. Decker
Notary Public in and for the State of Washington
Residing at Maple Valley
My appointment expires: 3-21-21



"Unofficial Copy"

Exhibit B



WHEN RECORDED RETURN TO:
WALKER HEYE, PLLC
1333 Columbia Park Trail, Suite 220
Richland, WA 99352

SHARED ACCESS AGREEMENT

Reference Number of Related Documents:

Grantors:	Jeffery J. Chapla, a single person Elizabeth Reinkens, a single person
Grantees:	Jeffery J. Chapla, a single person Elizabeth Reinkens, a single person
Abbreviated Legal Description:	Lot and Lot 2, Short Plat No. 3513
Additional Legal Description:	Page 1
Assessor's Tax Parcel ID Number:	1-2298-201-3513-001; 1-2298-201-3513-002

THIS AGREEMENT is entered into this 23rd day of September, 2021, by and between JEFFERY J. CHAPLA, a single person, herein "Chapla", and ELIZABETH REINKENS, a single person, herein "Reinkens".

Recitals

- a. Chapla owns and has title to the real property legally described as:
Lot 1, Short Plat No. 3513, according to the survey thereof recorded under Auditor's File No. 2016-028666, records of Benton County, Washington (TPN 1-2298-201-3513-001)
- b. Reinkens owns and has title to the real property described as:
Lot 2, Short Plat No. 3513, according to the survey thereof recorded under Auditor's File No. 2016-028666, records of Benton County, Washington (TPN 1-2298-201-3513-002)

c. There is currently an unimproved access from Columbia Park Trail that serves both the Chapla and Reinkens property as shown generally on Exhibit A.

d. The parties wish to use said access for their joint benefit and have agreed to do so on the terms and conditions set forth herein.

Easement Grant and Agreement

1. **Conveyance of Easement.** Chapla and Reinkens each hereby grant, assign, and convey to the other a perpetual non-exclusive vehicular and pedestrian access easement, for the purposes herein described, over and across that portion of each other's property as shown on Exhibit A.

2. **Easement Purpose.** This easement is granted to provide vehicular and pedestrian access to Columbia Park Trail.

3. **Construction and Maintenance.**

*county standard Benton county
code 3.18.045 (b)*

a. The easement shall be constructed and maintained to county standards. It is understood and agreed that Chapla will advance costs necessary for initial required improvements. At such time as Reinkens receives an occupancy permit for her residence she shall reimburse Chapla for one-half of his expenses associated with initial construction. Payment shall be made within one hundred twenty (120) days following issuance of said permit. Neither party shall construct any barrier obstructing access over or along the access easement, and neither shall permit trash, refuse, or other items of personalty to remain within the easement area.

b. All such improvements shall thereafter be reasonably maintained at the joint expense of both parties. Before either party incurs an expense in contemplation of needed maintenance they shall meet and confer to discuss the scope and extent of the planned improvement project. Three bids will be obtained before any final decision is made. If the parties are unable to reach an agreement on the necessity of a particular improvement or the pricing, paragraph 7 below shall apply. In furtherance of the ongoing maintenance responsibilities contemplated herein, the parties shall establish a joint account which each will deposit an agreed upon amount for annual expenses necessary to establish a reserve account for future maintenance. If the parties are unable to agree on the amount of such charges, paragraph 7 below shall apply.

4. **Damage and Indemnity.** Each party agrees to indemnify and hold the other party harmless from property damage, losses or injuries suffered, or alleged to be suffered, as a result of said party's negligent or intentional conduct related to said party's use of the access roadway, including damage done by said party's contractors during construction of residences on either property.


5. Insurance. Each party will obtain insurance, or an endorsement to existing insurance, for casualty loss and liability as contemplated by this agreement. Such insurance shall be in such sums and with such terms as reasonably acceptable to the other party. Proof of such coverage shall be provided to each party upon request.

6. Unpaid Expenses. There shall be a lien against the property of any party who fails to pay his or her share of maintenance expenses reasonably incurred hereunder, said lien to be enforced in the same manner as a mortgage.

7. Dispute Resolution. In the event Chapla, Reinkens, or the successors or assigns of either, have any disputes with respect to this agreement, including whether any expense is reasonably needed or the amount thereof, the same shall be resolved by binding arbitration with a single arbitrator acting pursuant to RCW 7.04A. In the event the parties are unable to promptly agree upon an arbitrator the same shall be appointed by the presiding judge for the Benton County Superior Court. The prevailing party in such a proceeding shall be entitled to recover their costs, expenses, and reasonable attorneys' fees.

8. Easement to Run with Land. This grant of easement shall run with the lands herein described and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors, and assigns. Any transferee of either property shall automatically be bound by, and have the benefit of, this easement agreement upon taking title.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.



JEFFERY S. CHAPLA



ELIZABETH REINKENS

Unofficial Copy

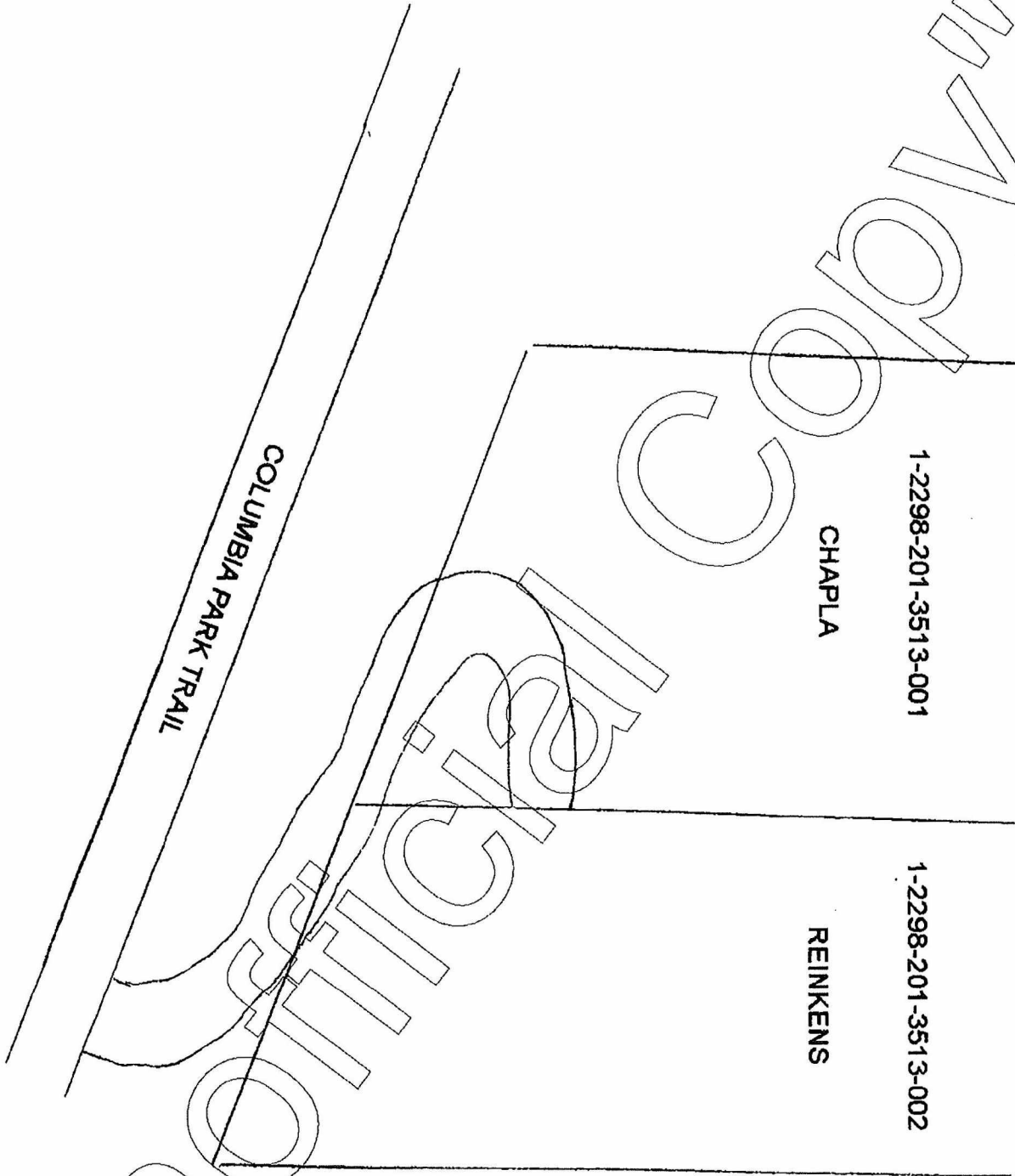


EXHIBIT A



Dear Applicant,

The following information and requirements are for your new driveway and /or private road.

Procedure: Upon the Benton County Fire Marshal's office receiving a submittal from the Benton County Planning Department or the Benton County Building Department, a review will be conducted to determine if the proposed private road meets the requirements of BCC 3.18.045.

Benton County Code 3.18.045 MINIMUM ROAD REQUIREMENTS. ("Private Road" means a road, driveway, or any form of access easement more than two hundred (200) feet in length that is not dedicated to and maintained by Benton County.)

(a) Except as otherwise provided in this chapter, the minimum acceptable improved surface for a private road shall be twenty feet in width that is graded and with two inches of compacted recycled concrete asphalt or two inches of base course crushed surfacing in accordance with the specifications set forth in Standard Specifications for Road, Bridges and Municipal Construction published by the Washington State Department of Transportation, as now in effect or hereafter amended.

(b) The minimum improved surface of a private road may be twelve feet in width surfaced with the materials set forth in subsection (a) above, but only if the private road serves six or fewer dwelling units (a duplex constitutes two dwelling units) and turnouts ten feet wide and thirty feet in length, surfaced in the same manner as the remainder of the private road, are placed every three hundred feet from a public road.

(c) If a private road ^{We have provided 14' in} has any curves or turns, the required improved width of any such private road shall be as determined and set forth in writing by the Fire Marshal to a width deemed necessary to allow the appropriate firefighting equipment to safely navigate such curves or turns. If no such written determination is requested of and made by the Fire Marshal, then a private road with curves or turns must be improved to a width of twenty feet in accordance with the standards set forth in subsection (a) above.

(d) All private roads must terminate in a turnaround that shall not require more than one backing up motion for a fire truck of at least thirty-seven feet in length from bumper to bumper to completely turn around.

(e) All private roads shall be constructed to applicable standards set forth above and all conditions of approval of an encroachment permit shall be satisfied prior to any certificate of occupancy being issued for that parcel.

(f) Bridges and Culverts. All private roads over any drainage, river, creek, etc. shall be traversed by a private bridge or culvert capable of supporting at least sixty thousand (60,000) pounds or such higher weight as deemed necessary and designated in writing by the Fire Marshal. Private bridges over twenty (20) feet long are not allowed. Private bridges and culverts shall be designed to handle a 25-year storm event; provided, if located in an area designated as a 100-year flood plain, then the design must meet the 100-year flood event. A letter stating that the private bridge or culvert design meets the requirements of this section must be submitted by a licensed Washington State Civil Engineer prior to construction and, for private bridges, every two (2) years thereafter.

(g) Access - Gradients.

- (1) For all developments accessed by private road, access shall be by at least one private road with a maximum gradient of twelve (12) percent or less; provided, such maximum gradient may be exceeded under either of the following circumstances:

- (i) A maximum gradient of no more than fifteen (15) percent shall be permissible if the private road is surfaced with two (2) inches or more of asphalt or concrete; or
 - (ii) Subject to the written approval of the Fire Marshal, a maximum gradient of fifteen (15) percent may be allowed for less than two hundred (200) feet if such gradient is followed by a gradient of zero (0) percent for a period of six hundred (600) feet and adequately satisfies the vertical curve alignment necessary for the appropriate firefighting equipment. This design may be repeated as needed.
- (2) Notwithstanding subsection (1) above, the maximum gradient of a private road providing access to a dwelling unit shall not exceed twelve (12) percent at any point within two hundred (200) feet of an intersection of such private road with another private road or with a public road.
 - (3) If requested, as-built drawings of each completed private road shall be submitted. The as-built drawing shall bear the stamp of a Washington State Registered Civil Engineer.

3.04.046 SPECIAL FIRE PROTECTION.

I. The use of cedar shakes or shingles or materials with similar flame spread characteristics for roof construction is prohibited. Class C rated shakes or shingles may be used for existing roof repairs that do not exceed 50% of the existing roof within a twelve-month period, and additions to structures with existing wood shingle or shake roofs.

II. Non-combustible siding and soffit material is required on the downhill side of structures within thirty feet of a 15% or greater grade.

III. All structures within thirty feet of the property line shall have non-combustible siding, soffits, or skirting on the side adjacent to an undeveloped area of natural vegetation that is in excess of five contiguous acres:
EXCEPTION: Interior lots of platted parcels and development phases whose streets are accessible, and the water system is operational.

3.04.048 GRADES FIFTEEN (15) PERCENT OR STEEPER.

When determined by the Fire Marshal, non-combustible siding/soffit/skirting shall be required on the downhill side(s) of the structure if within thirty (30) feet of fifteen (15) percent or greater grade. The grade will be determined by the predominant slope on the downhill side within a maximum of three hundred (300) feet.

Purpose: Provide for a uniform method for meeting the requirements of Benton County Code 3.18.045 Minimum Road Requirements.

Scope: This policy is applicable only to private roads as defined in Benton County Code 3.18.015. Private Road" means a road, driveway or any form of access easement in excess of two hundred (200) feet in length that is not dedicated to and maintained by Benton County."

Procedure: Upon the Benton County Fire Marshal's office receiving a submittal from the Benton County Planning Department or the Benton County Building Department, a review will be conducted to determine if the proposed private road meets the requirements of 3.18.045.

12-foot Wide Private Roads

1. Road approval is required by the occupancy approval for a manufactured home, or by the final inspection for a site-built building.
2. Shall be permitted when serving six or less dwellings. A duplex count as two dwellings.
3. An approved turnaround is required when the private road length exceeds 200 feet.
4. Turnouts shall be every 300 feet, and the surface shall be the same as the private road.
5. Maximum grade for nonpaved surfaces is 12%. For paved surfaces, it is 15%.
6. **Radius for turns, curves, or switchbacks must be approved prior to construction.**
7. Stair stepping with **approved** vertical curves is permitted and may be repeated to the top.
8. Bridges and culverts must meet Benton County Code 3.18.045 (f). See Policy-Bridges/Culverts
9. Paved surfaces and compacted gravel surfaces shall be at least two inches thick.

- Gravel surfaces shall meet the Base Course Standard
- Professionals recommend gravel to be three inches thick.
- At three inches, a cubic yard will cover 108 sq. ft. (12' x 9') At two inches, a cubic yard will cover 162 sq. ft. (12' x 13.5') A truck and trailer carries 21.5 cubic yards.

20-foot Wide Private Roads

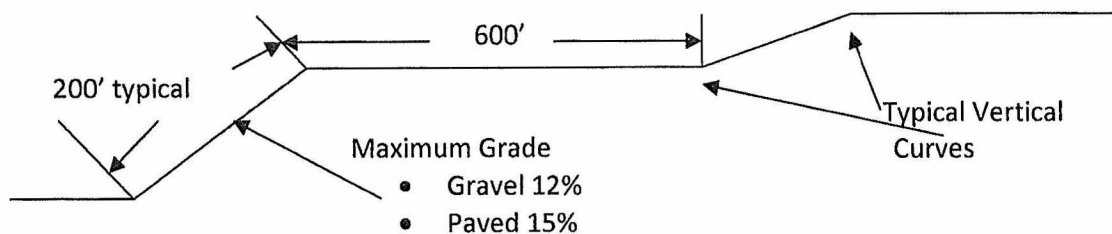
1. Road approval is required by the occupancy approval for a manufactured home, or by the final inspection for a site-built building.
2. An approved turnaround is required when the private road length exceeds 200 feet.
3. Maximum grade for nonpaved surfaces is 12%. For paved surfaces, it is 15%.
- 4. Radius for turns, curves, or switchbacks must be approved prior to construction**
5. Stair stepping with **approved** vertical curves is permitted and may be permitted to the top.
6. Bridges and culverts must meet Benton County Code 3.18.045 (f). See Policy-Bridges/Culverts
7. Paved surfaces and compacted gravel surfaces shall be at least two inches thick.
 - Gravel surfaces shall meet the Base Course Standard
 - Professionals recommend gravel to be three inches thick.
 - At three inches, a cubic yard will cover 108 sq. ft. (20' x 5.4') At two inches, a cubic yard will cover 162 sq. ft. (20' x 8') A truck and trailer carries 21.5 cubic yards.

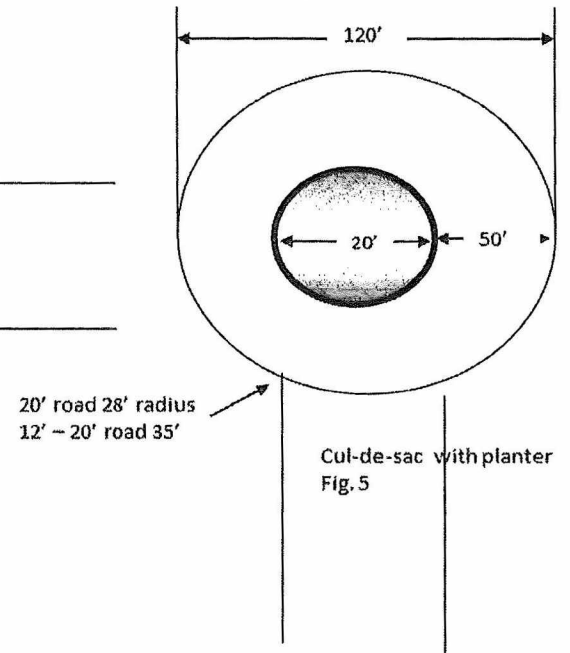
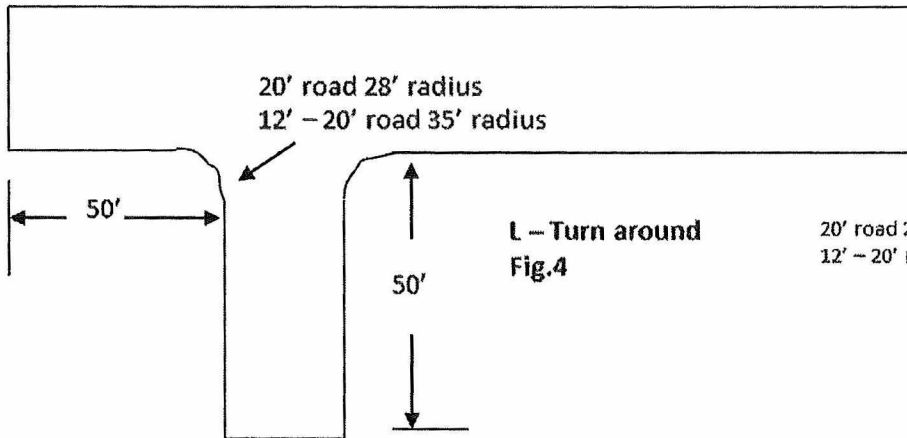
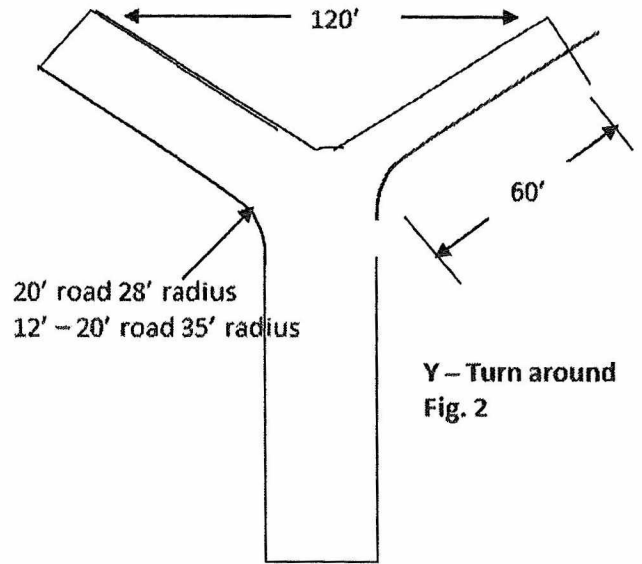
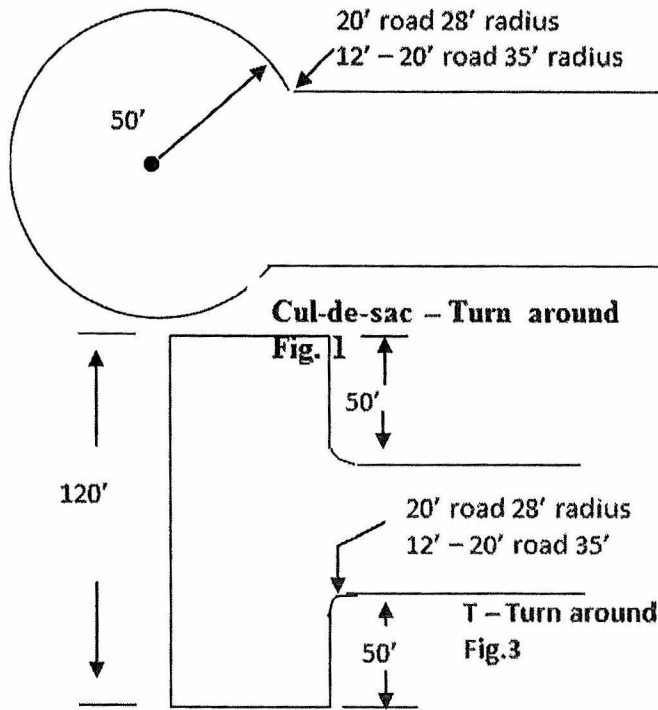
If you have additional questions, please feel free to contact me.

Thank you,

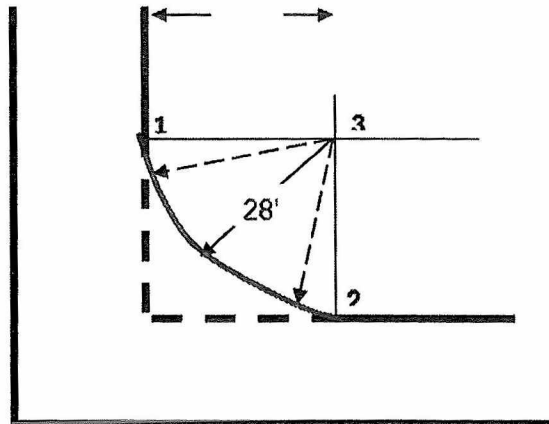
Clark A. Posey
Fire Marshal

Stair Stepping





One of the problems that confront most of us, is how to construct a radius. Perhaps the following may be of assistance. From the corner, measure 28' in both directions. From points 1 and 2, measure 28'. Drive a large nail into the ground (point 3) and hook a string.



Policy: Pullouts if your driveway exceeds 300 feet.

Purpose:

Provide for a uniform method for meeting the requirements of Benton County Code 3.18.045 (b) .

Scope:

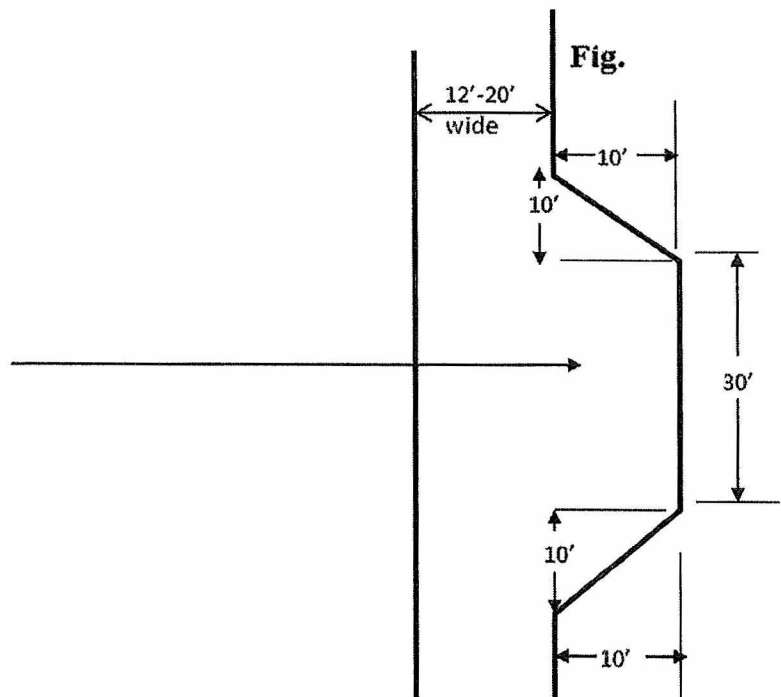
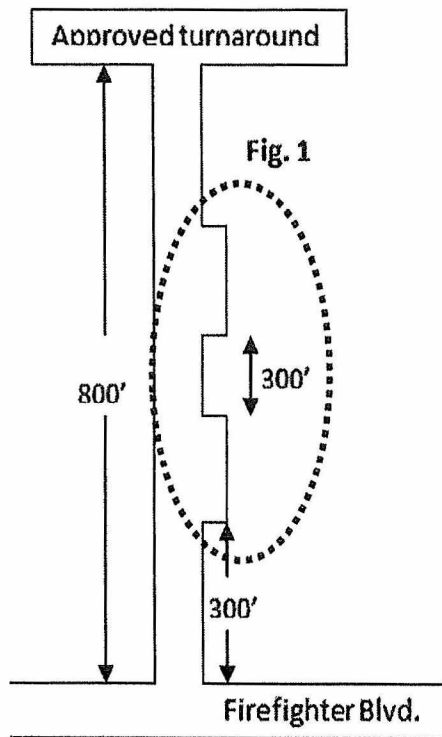
This policy is applicable only to private roads as defined in Benton County Code 3.18.015 that are between 12 feet and 20 feet wide and whose length exceeds 300'. Private Road" means a road, driveway or any form of access easement in excess of two hundred (200) feet in length that is not dedicated to and maintained by Benton County."

Procedure:

Upon the Benton County Fire Marshal's office receiving a submittal from the Benton County Planning Department or the Benton County Building Department, a review will be conducted to determine if the proposed private road meets the requirements of 3.18.045 (b).

- The private road must comply with all sections of Benton County Code 3.18.045.
- The pullout shall be required every 300 feet. Fig. 1
- Turnout surface shall be the same as the private road.
- Turnouts at a minimum shall be 10' x 30'.

Fig. 2



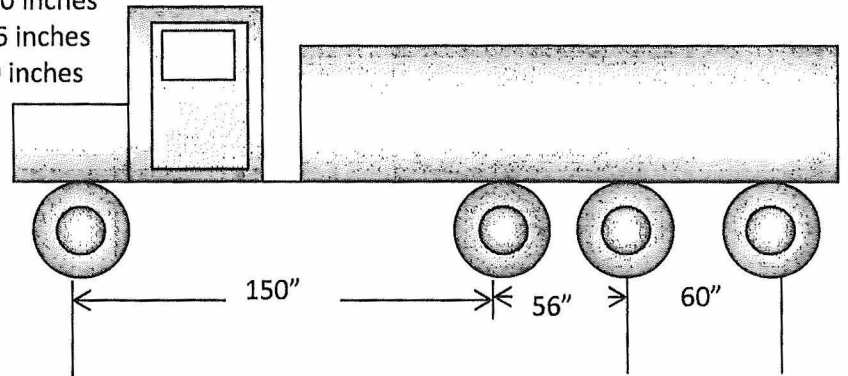
Policy: BRIDGE DESIGN for Private Roads and Driveways

Purpose: Provide for a uniform method for the design and posting of private bridges.

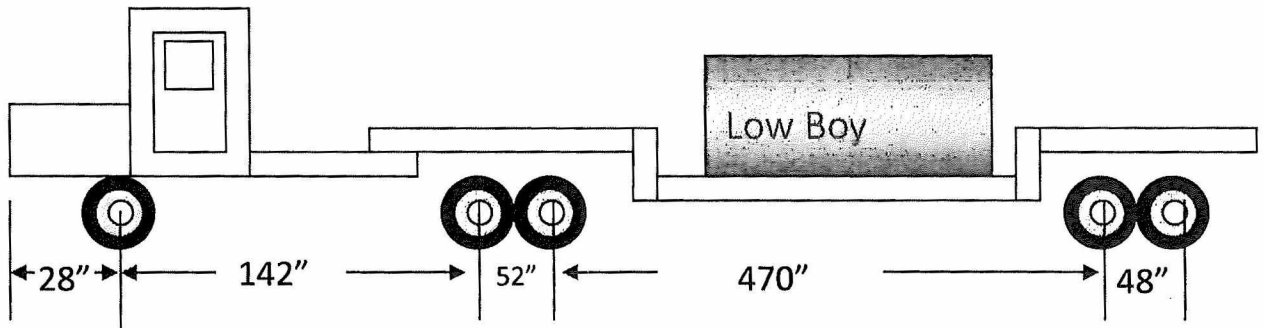
Scope: This policy is applicable to private roads, private driveways, lanes, drives, access easements and similar driving surfaces. Bridges shall be inspected every two years.

Procedure: A Washington State Registered Civil Engineer shall design the bridge to meet, at a minimum, the following requirements.

- Both ends of the bridge are required to have the capacity posted. The signs shall have a pictograph showing the two below types of fire vehicles with the bridge capacity, in lbs. below each pictograph. See sample sign on page two for minimum sign and letter sizes.
- Benton County Fire Marshal shall approve Private bridges width. The bridge shall be designed and built to accommodate, at **a minimum**, a 60,000-pound truck, or a 60,000-pound low-boy with the following dimensions:
- 60,000-pound truck
 - First axle to second axle is 150 inches
 - Second axle to third axle is 56 inches
 - Third axle to fourth axle is 60 inches



- 60,000-pound low boy
 - First axle to second axle is 142 inches.
 - Second axle to third axle is 52 inches.
 - Third axle to fourth axle is 470 inches.
 - Fourth axle to fifth axle is 48 inches.



Policy: CULVERT CROSSING

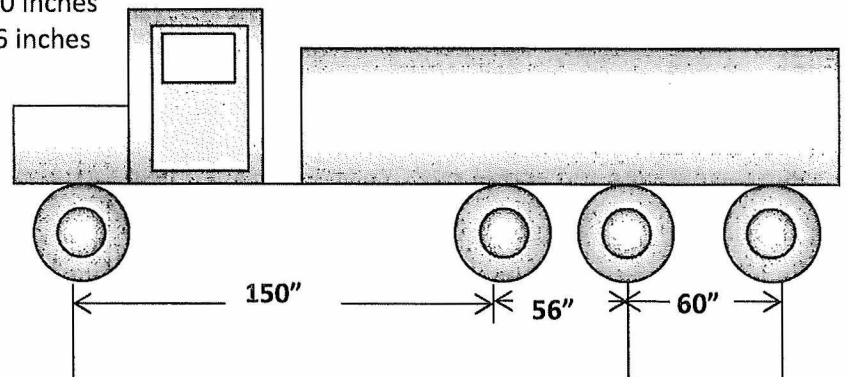
Purpose: Provide for a uniform method for the design of culvert crossings.

Scope: This policy is applicable to private roads, private driveways, lanes, drives, access easements and similar driving surfaces.

Procedure: A Washington State Registered Civil Engineer shall design the culvert to meet, at a minimum, the following requirements. Upon the Benton County Fire Marshal's office receiving a submittal from the Benton County Planning Department or the Benton County Building Department, a review will be conducted to determine if the proposed culvert meets the requirements of 3.18.045 (c).

- Benton County Code 3.18.045 (c) requires culverts to be designed to handle a 25-year storm and the imposed fire loads.
- Benton County Fire Marshal shall approve the design. The bridge shall be designed and built to accommodate, at a **minimum**, a 60,000-pound truck, or a 60,000-pound low-boy with the following dimensions:
- 60,000-pound truck
 - First axle to second axle is 150 inches
 - Second axle to third axle is 56 inches

Third axle to fourth axle is 60 inches



- 60,000-pound low boy
 - First axle to second axle is 142 inches.
 - Second axle to third axle is 52 inches.
 - Third axle to fourth axle is 470 inches.
 - Fourth axle to fifth axle is 48 inches.

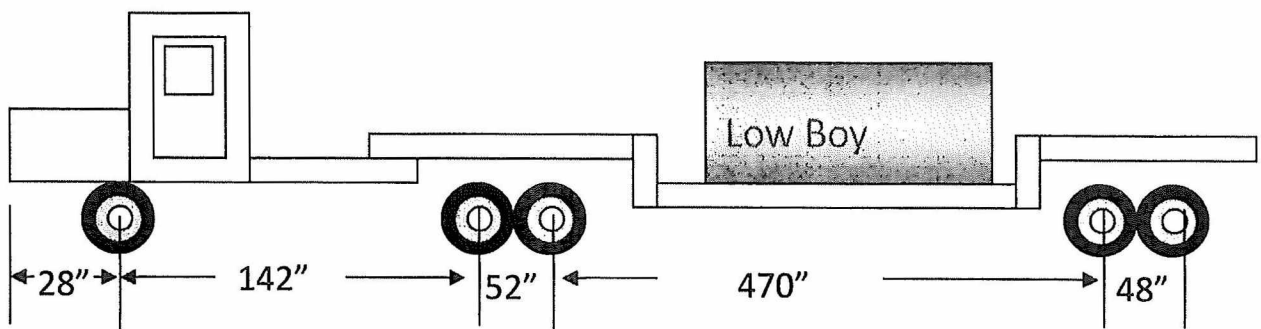


Exhibit C

Uninhabitable garbage-filled trailer on property 2021-September 12, 2022

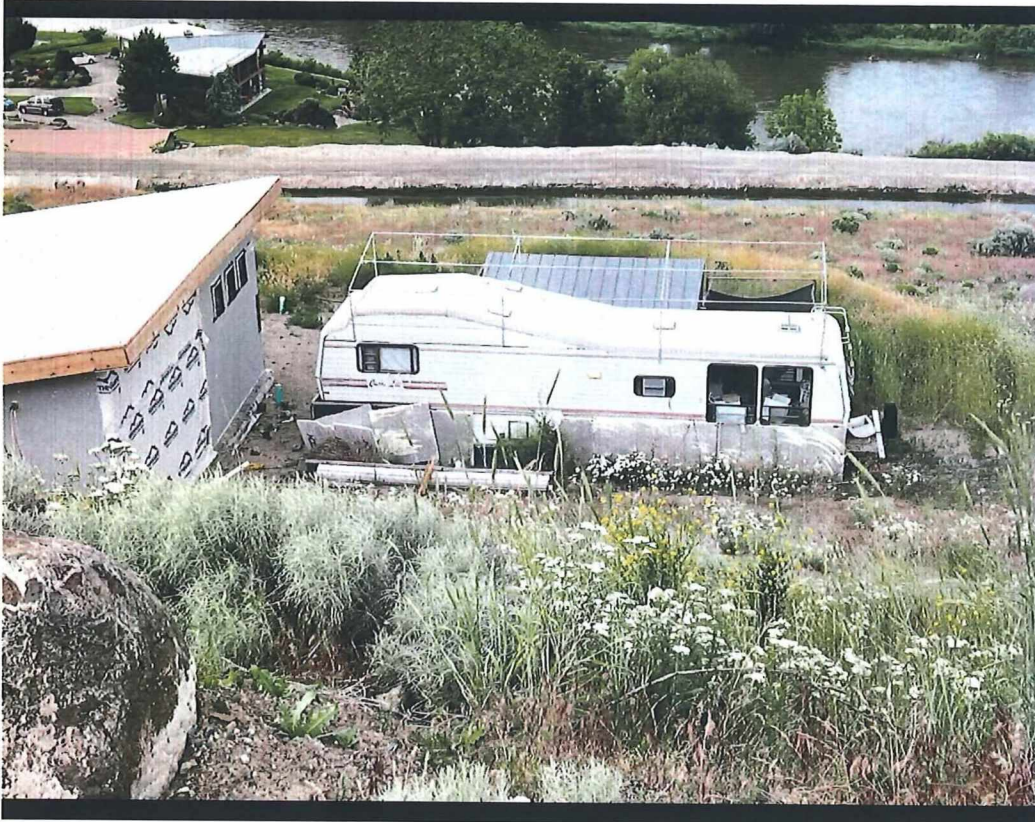


Exhibit C

Storage of Household Trash Outside of Home and in Vehicle Outside of Home

November 2022



August 28, 2023

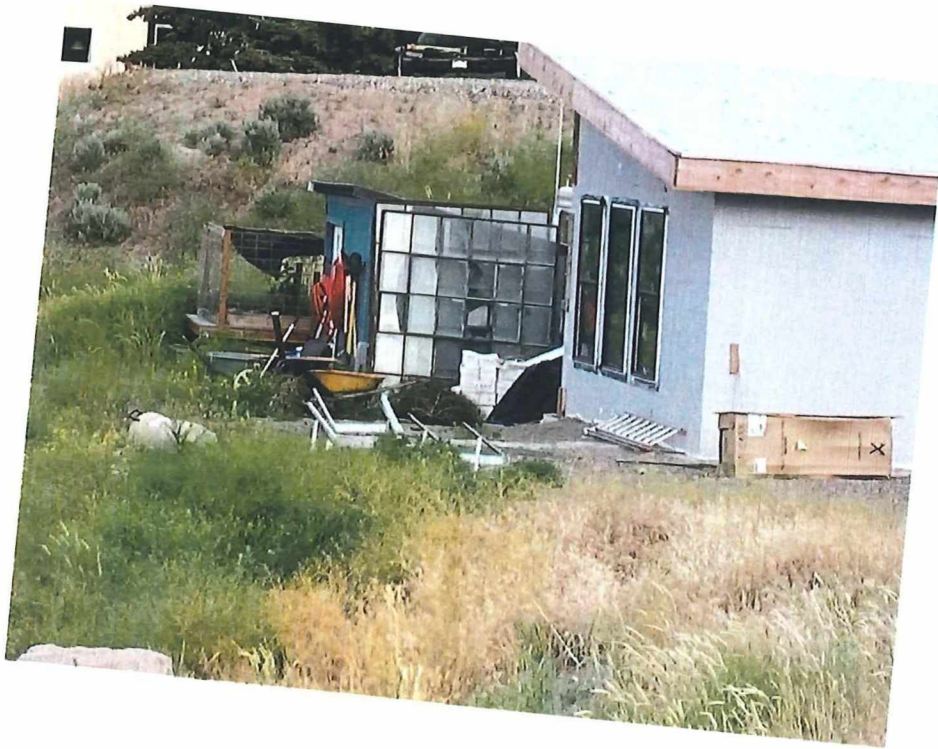


April 9, 2023. garbage filled truck left for a minimum of 5 days



Exhibit C

Unsanitary and Trash/Debris/Waste
In Yard throughout 2022 and 2023



June 8, 2022



April 23, 2023
Note construction
and non construction
(household) materials
left throughout yard

Exhibit C

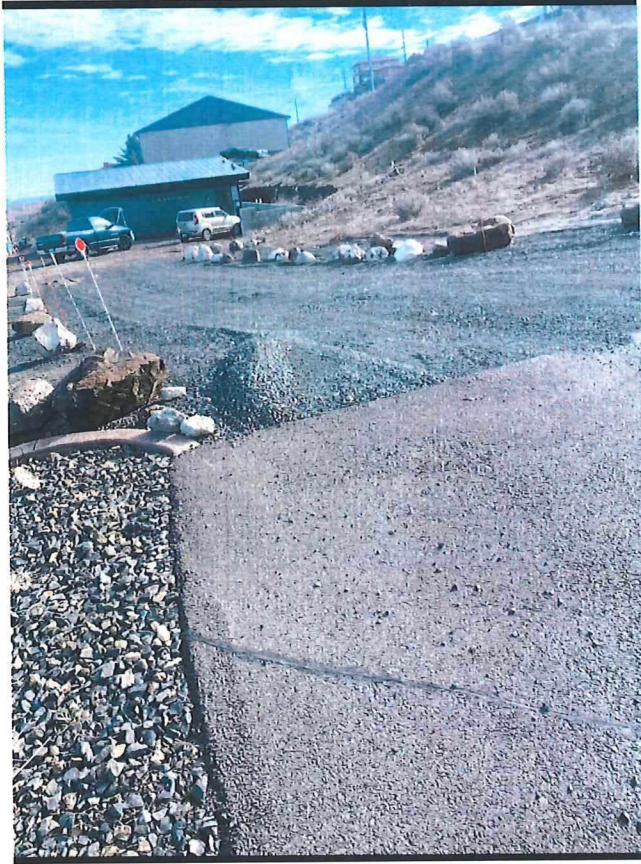


July 24, 2023

December 24, 2023



Exhibit C



Driveway February 10, 2024



My property February, 2023

Exhibit C



September 2, 2022
Contractors trespassed
Onto property

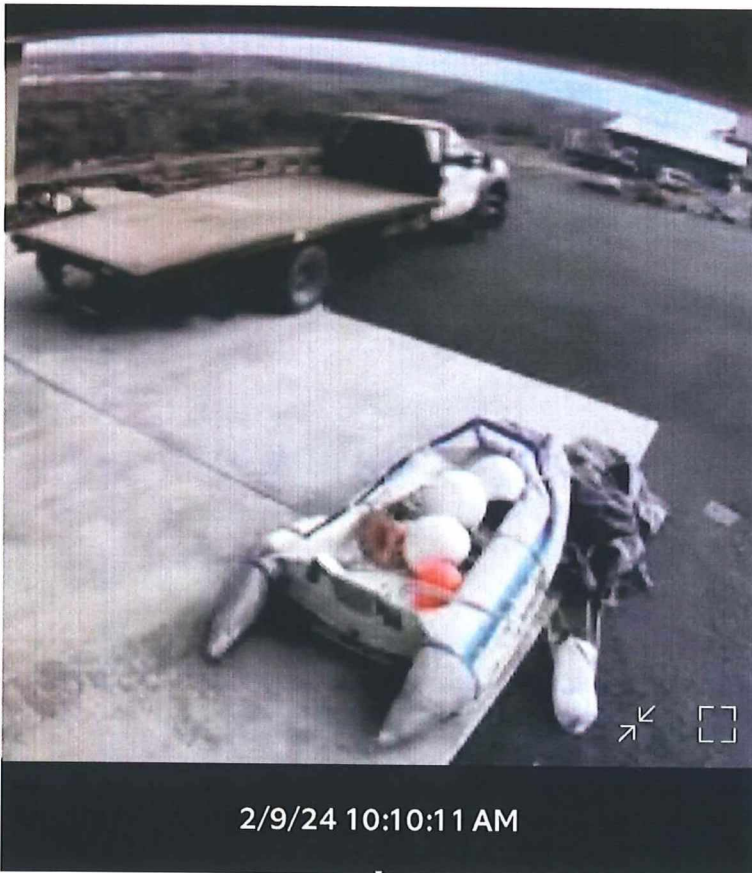


April 5, 2023
Concrete work
Contractors sheared
off
Property stake
installed
January 2023

Exhibit C



Contractor hit items in my driveway, disturbing freshly sealed surface on my property – driving recklessly
April 2023



Reinkens Contractor using non shared portion of driveway
February 9, 2024

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.bentoncountywa.gov

**Planning Division**

(509) 786-5612

Planning.department@co.benton.wa.us
102206 E Wiser Parkway, Kennewick, WA 99338

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 **February 16, 2024** 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 and testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>.

CONDITIONAL USE PERMIT – CUP 2024-001 The applicant, Elizabeth Reinkens, is proposing to construct an 800 sq. ft. accessory dwelling unit while finishing construction on the final phase of the main single family dwelling. The property is located at 412 Columbia Park Trail, Richland, WA 99352. Parcel 1-2298-201-3513-002.

CONDITIONAL USE PERMIT – CUP 2024-002 The applicants, Kenneth and Samantha Albertin, are proposing to construct an 800 sq. ft. accessory dwelling unit on a parcel with a 2,480 sq. ft. single-family residence. The property is located at 206322 E. Schuster Road, Kennewick, WA 99337. Parcel 1-0980-101-2985-002.

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, mailed to or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick, WA 99338. 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, 102206 E. Wiser Parkway, Kennewick, WA 99338, or planning.department@co.benton.wa.us

Dated this 24th day of January, 2024.

PUBLICATION DATE: January 31, 2024

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department