

EXHIBIT LIST FOR CUP 2024-006 Dan and Melanie Downard

| Hearings Examiner Staff Memo Exhibit List - April 19, 2024 hearing | | |
|---|--|----------------|
| HEM 1.1 | Staff Memo | April 2, 2024 |
| HEM 1.2 | Vicinity map | March 4, 2024 |
| HEM 1.3 | Application | March 1, 2024 |
| HEM 1.4 | Site Plan | March 1, 2024 |
| HEM 1.5 | Written Determination of Completeness | March 7, 2024 |
| HEM 1.6 | Agency review request | March 7, 2024 |
| HEM 1.7 | Comment from Benton County Rural Water | March 8, 2024 |
| HEM 1.8 | Comment from Benton County Fire Marshal | March 8, 2024 |
| HEM 1.9 | Comment from Benton Rural Electric Company | March 27, 2024 |
| HEM 1.10 | Notice of Open Record Hearings | April 3, 2024 |
| Exhibits Submitted During Hearing or while record remained open | | |
| HEH 1.1 | | |
| HEH 1.2 | | |
| HEH 1.3 | | |
| HEH 1.4 | | |
| HEH 1.5 | | |
| HEH 1.6 | | |
| HEH 1.7 | | |
| HEH 1.8 | | |
| HEH 1.9 | | |
| HEH 1.10 | | |

Community Development Department

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

**Planning Division**

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

**STAFF REPORT TO THE
 BENTON COUNTY HEARINGS EXAMINER
 Dan and Melanie Downard
 Detached Accessory Dwelling Unit**

FILE NO: CUP 2024-006

HEARING DATE: April 19, 2024

APPLICANT: Pillar Contracting LLC, 3019 Duportail, Richland, WA 99352

OWNERS: Dan and Melanie Downard, 9636 E Pendleton Rd, Benton City, WA 99320

LOCATION: General Location: The property is located in the Benton City area of unincorporated Benton County approximately 0.30 miles northeast of the intersection of Pendleton Road and River Road.
Address: 9636 E Pendleton Road, Benton City, WA 99320
Legal: Lot 1 of Short Plat 3985
Parcel Number: 107971013685001

PROPERTY SIZE: Approximately 5.13 Acres

AREA TO BE USED: Not to exceed 800 square feet

LAND USE: Residential

ZONING: Rural Lands 5 Acre District (RL5)

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested twenty-three (23) Findings of Fact and five (5) 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 Five Acre District. The ADU is proposed to be 800 square feet in size and located in a 2,400 square foot shop north of the primary single-family dwelling on site.

The property is approximately 5.13 acres in size with a 3,286 square foot primary single-family dwelling.

The application for CUP 2024-006 (HEM 1.3) was submitted to the Benton County Planning

Division on March 1, 2024.

The application was declared complete for processing on March 7, 2024. (HEM 1.5)

The application documents were distributed to reviewing agencies on March 7, 2024. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2024-006 was published on April 3, 2024 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 March 29, 2024.

The Open Record Hearing is scheduled for April 19, 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 the 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 March 7, 2024.
 - a. Benton County Public Works Department
 - b. Benton-Franklin Health District
 - c. Benton County Fire District #2
 - d. Benton County Building Division
 - e. Benton County Fire Marshal
 - f. Benton County Code Enforcement
 - g. Benton Public Utility District
 - h. Kiona Irrigation District

2. The following comments were received from the Benton REA (HEM 1.9):
 - a. The Benton REA has an existing power line running from SW to the NE across the eastern part of parcel # 107971013685001. For the owner’s reference, the easement is 10’ either side of the centerline making a total of 20’ from side to side.

 - b. For more information, please contact Chris Cooke with the Benton REA at (509) 439-1558.

3. The following comments were received from the Rural Water Supply Program (HEM 1.7):
 - a. This application is located within the Benton County Rural Water Supply Program Mitigation area. All new dwelling units within the mitigation area are required to obtain a mitigation certificate and meter their water usage through a meter approved by the County and pay an annual program fee in the amount set forth by resolution adopted by the Board of County Commissioners.

 - b. For more information, please contact Donna Hutchinson 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 2024-006 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 9636 E Pendleton Road, Benton City, WA 99320.

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 is Pillar Contracting LLC, 3019 Duportail, Richland, WA 99352.
4. The property owners are Dan and Melanie Downard, 9636 E Pendleton Rd, Benton City, WA 99320.
5. The property is approximately 5.13 acres in size and is zoned Rural Lands Five Acre (RL-5) District.
6. The property is located in the Benton City area of unincorporated Benton County approximately 0.30 miles northeast of the intersection of Pendelton Road and River Road (Parcel 107971013685001).
7. The ADU is proposed to be located within a 2,400 square foot shop north of the 3,286 square foot primary single-family dwelling.
8. The applicant will reside in the primary dwelling.
9. The conditional use permit (CUP 2024-006) shall comply with the Benton County Critical Area Ordinance, Title 15 BCC.
 - a. The proposed ADU is located within an AE flood zone and will require a Special Flood Hazard Permit.
10. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
11. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
12. The detached ADU complies with Benton County Building Division standards and requirements.
13. The application for CUP 2024-006 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
14. The application for CUP 2024-006 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
15. The application for CUP 2024-006 is consistent with the goals and policies of the Benton County Comprehensive Plan.
16. The application for CUP 2024-006 is consistent with the requirements of the Benton County Zoning Code.
17. The application for CUP 2024-006 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 is 3,286 square feet. Forty percent 40% of 3,286 square feet is 1,314 square feet. The applicant is proposing a maximum of 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 on site that shall be permanently affixed to the ground by footings and foundation.
 - 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. The landowners will reside in the existing single-family dwelling and maintain residency for at least six (6) months out of the year.
 - m. The detached ADU complies with applicable building, fire, critical area, shoreline, and zoning requirements.
 - n. The detached ADU complies with the Benton County critical area ordinance, Shoreline Master Program, and zoning regulations.
18. The application for CUP 2024-006 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be a standalone structure.
19. The application for CUP 2024-006 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
- a. The proposed ADU is north 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.
20. 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.
21. 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.
22. 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.
23. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.

24. 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. 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. 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.
4. 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.
5. 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
 - f. Benton County Planning Division; Special Flood Hazard Permit

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.

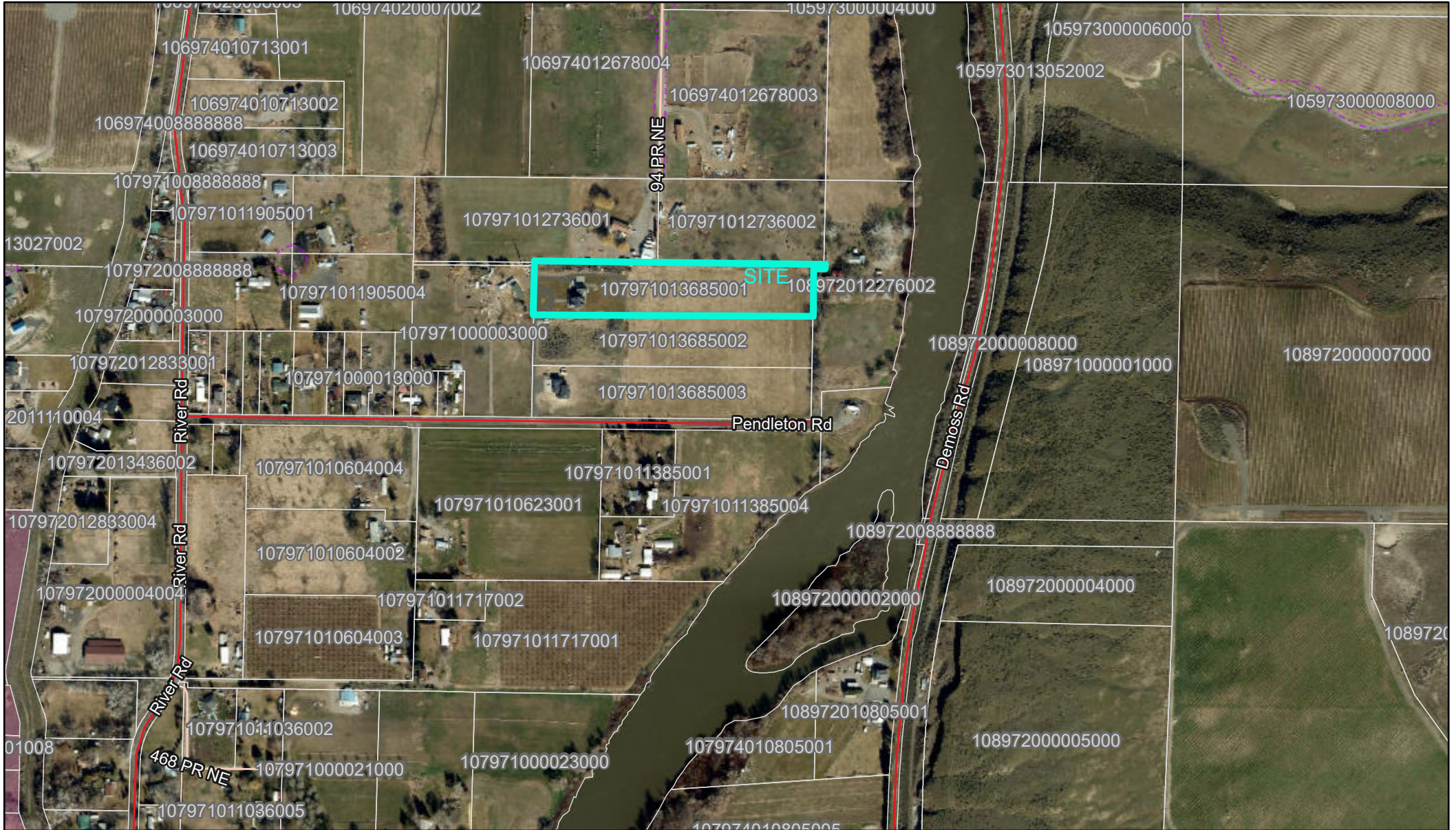
Should the legal landowner of the parcel change at anytime during the life of this Conditional Use Permit the new property owner must provide their written request to the Planning Division for the continuation or termination of the CUP.

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.

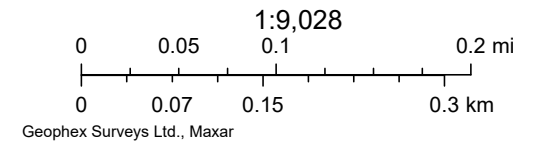
VIOLATIONS OF CONDITIONS OF APPROVAL:

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2024-006 is in effect.

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



3/4/2024, 9:55:20 AM





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

RECEIVED

MAR 01 2024

Benton County
Planning Division

CONDITIONAL USE PERMIT APPLICATION

File No. CNP 2024-006

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Pillar Contracting LLC

Mailing Address (with City, State & zip): 3019 Duportail St. #176 Richland, WA 99352

Phone #1: 509-554-2927 Phone #2: _____

Email Address(es): pillarcontractingnw@gmail.com

Signature: [Signature] Date: 12/27/2023

Name of Property Owner(s) (if different): Dan and Melanie Downard

Mailing Address (with City, State & zip): 9636 E Pendleton Rd. Benton City, WA 99320

Phone #1: 509-308-0309 Phone #2: _____

Email Address(es): dmdownard@live.com

Signature: Dan Downard Date: 12/27/2023

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):** 9636 E Pendleton Rd. Benton City, WA 99320

2. **Parcel number(s):** 107971013685001

3. **Total Acreage:** 5.16 acres

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: KIID

6. **Current use(s) on property:** Residential

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

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

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

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**

RECEIVED

MAR 01 2024

Benton County
Planning Division

File No. 2024-000

Applicant Name: Pillar Contracting LLC (Dan and Melanie Downard)

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? 3,226 sq ft
4. What is the square footage of the proposed Accessory Dwelling Unit? 800 sq ft
5. How many bedrooms will be in the Accessory Dwelling Unit? 1
6. Does the landowner currently have any other land use permits? No

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

Storage and living space.

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

HEM 1.4

9636 PENDLETON ROAD
BENTON CITY WA

PARCEL 107971013685001

SHORT PLAT 3685 LOT 1

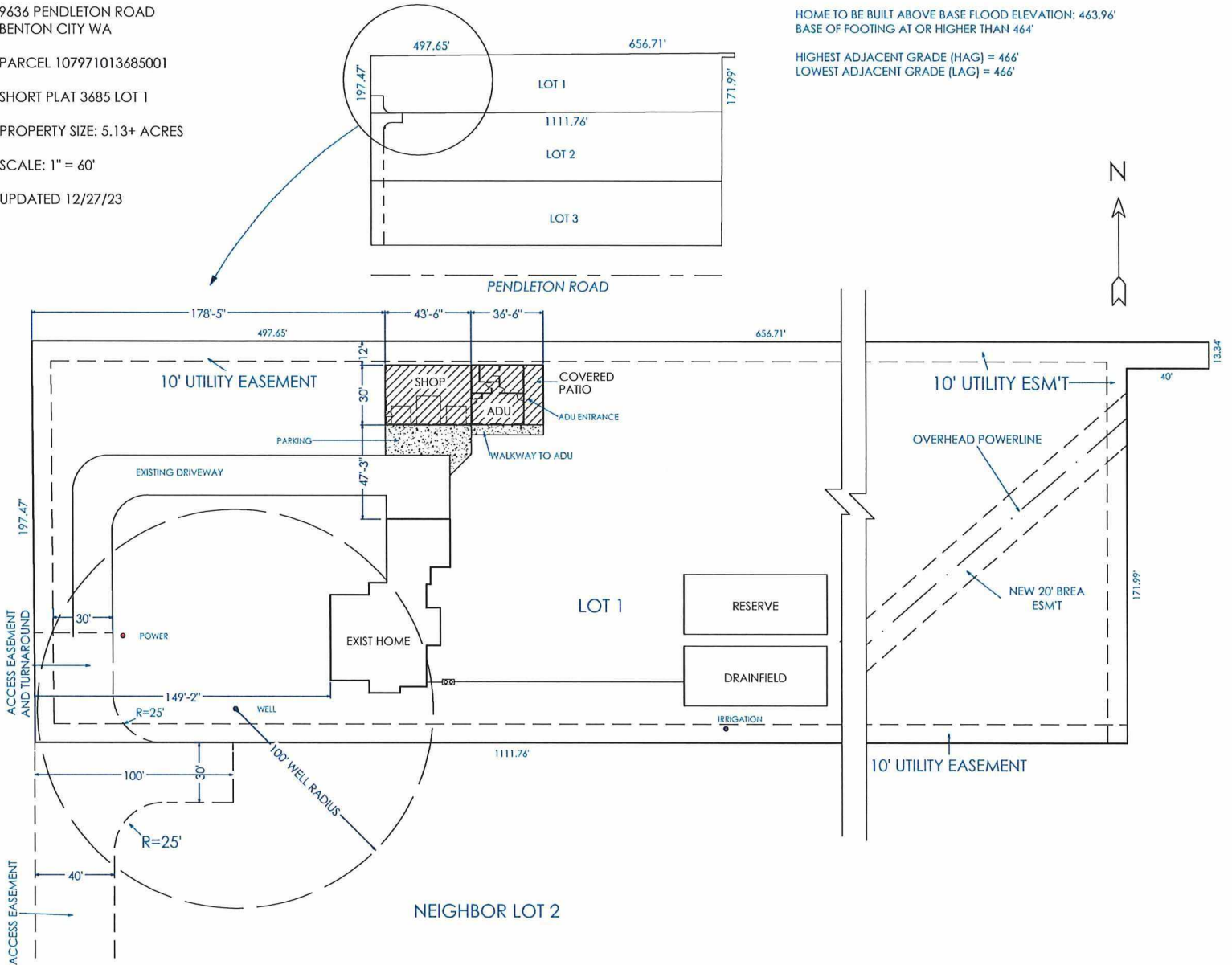
PROPERTY SIZE: 5.13+ ACRES

SCALE: 1" = 60'

UPDATED 12/27/23

HOME TO BE BUILT ABOVE BASE FLOOD ELEVATION: 463.96'
BASE OF FOOTING AT OR HIGHER THAN 464'

HIGHEST ADJACENT GRADE (HAG) = 466'
LOWEST ADJACENT GRADE (LAG) = 466'



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102206 East Wiser Parkway, Kennewick, WA 99338

March 7, 2024

Dan and Melanie Downard
9636 E Pendelton Road
Benton City, WA 99320

Via Email: dmdownard@live.com

RE: Written Determination of Completeness
File Number: CUP 2024-006

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 2024-006) and the review process will now begin.

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

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

Sincerely,

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.benton.wa.gov

**Planning Division**

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

March 7, 2024

Benton County Public Works Department
Benton-Franklin Health District
Benton County Fire District #2
Benton County Building Division
Benton County Fire Marshal
Benton County Code Enforcement
Benton County Rural Water Supply Program
City of Benton City
Kiona Irrigation District

RE: Agency review of a Conditional Use Permit application
File #: CUP 2024-006
Parcel #: 1-0797-101-3685-001
Applicant: Dan and Melanie Downard

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 on a parcel with an existing 3,226 sq. ft. single family residence. The project is located in the Benton City area of unincorporated Benton County within the Rural Lands 5 Acre District. Parcel number 1-0797-101-3685-001.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by **March 21, 2024**. Please reference file number **CUP 2024-006** 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: Rural Water Supply Program
Sent: Friday, March 8, 2024 4:35 PM
To: Planning Department
Subject: RE: Agency Review CUP 2024-006 - Downard

This application is located within the Benton County Rural Water Supply Program Mitigation area. All new dwelling units within the mitigation area are required to obtain a mitigation certificate and meter their water usage through a meter approved by the County and pay an annual program fee in the amount set forth by resolution adopted by the Board of County Commissioners.

The CUP cannot be issued until the Mitigation Certificate has been Recorded with the Auditor's Office.



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.bentoncountywa.gov

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: Thursday, March 7, 2024 2:54 PM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; rebecca.smith@lcb.wa.gov; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; cclerk@owt.com; Firechief@bcfpd2.org; AsstFireChief@bcfpd2.org; DistrictAdmin@bcfpd2.org; Kiona Irrigation District <kiid@owt.com>
Cc: Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>
Subject: Agency Review CUP 2024-006 - Downard

Good afternoon,

Attached you will find the necessary application documentation for Dan and Melanie Downard, who are requesting a Conditional Use Permit to construct a detached 800 sq. ft. Accessory Dwelling unit on his property at 9636 E

Community Development
Building Division
102206 E. Wiser Parkway
Kennewick, WA 99338



Fire Marshal
Gary Tiplady
(509) 735-3500
Gary.Tiplady@co.benton.wa.us

Fire Marshal Comments:

Date: March 8, 2024

Parcel #: 107971013685001

Nikki,

From the perspective of the Fire Marshal, I have no comments regarding CUP 2024-006

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

Re: CUP 2024-006, Downard

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

Nikki Relyea

From: Chris Cooke <ccooke@bentonrea.org>
Sent: Wednesday, March 27, 2024 12:01 PM
To: Planning Department
Subject: RE: [External] Agency Review CUP 2024-006 - Downard
Attachments: PID_107971013685001_240327.jpg

Good afternoon Nikki,

I apologize for the late response. I have been out of the office for the last week and a bit. I never saw a drawing portraying where the proposed shop is going to be built however we do have an existing power line running from SW to the NE across the eastern part of parcel# 107971013685001. For the owners reference, our easement is 10' either side of centerline making totaling 20' from side to side. Thank you. Please see the attached drawing for reference.

All the best,



Chris Cooke | Staking Engineer
O: (509) 786-8252
C: (509) 439-1558
ccooke@bentonrea.org

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, March 18, 2024 1:10 PM
To: Chris Cooke <ccooke@bentonrea.org>; Derek Miller <dmliller@bentonrea.org>
Subject: [External] Agency Review CUP 2024-006 - Downard

This message came from outside of Benton REA.

Good afternoon,

It has come to our attention that you were omitted from our Agency Review on this project and we wanted to ensure you have time for any possible commentary. Our mapping shows this is in the Benton PUD region, however, they have notified us that it is not in their jurisdiction.

Our apologies for getting this to you late!

Nikki Relyea
Permit Technician
Benton County Community Development Department
Planning Division
Nikki.Relyea@co.benton.wa.us
Planning.Department@co.benton.wa.us
(509) 786-5612







Community Development Department
Prosser Office: 620 Market Street, 1st Floor
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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 the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications on **April 19, 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 2024-004 The applicant, JUB Engineers, is proposing to expand an existing quarry (ME 2001-001) south of SR 397, East of I-82 in the Growth Management Act Agriculture District of unincorporated Benton County. This expansion proposes to increase the mining area to match the current property boundary as well as include a rock crushing, asphalt plant, concrete plant, concrete & asphalt recycling facility, scale house and office, shop, warehouse, landscape/hardscape, materials, sales yard, gravel washing, storage and vehicle parking. Parcel number 1-2889-400-0003-000.

CONDITIONAL USE PERMIT – CUP 2024-005 The applicant, Philip Van Rooyen, is proposing to construct an 800 sq. ft. detached accessory dwelling unit in addition to an existing 3,975 sq. ft. single family residence. The project is located in the Kennewick area of unincorporated Benton County and is zoned Rural Land 1 Acre District. Parcel number 1-1188-304-0000-011.

CONDITIONAL USE PERMIT – CUP 2024-006 The applicants, Dan and Melanie Downard, are proposing to construct an 800 sq. ft. detached accessory dwelling unit in addition to an existing 3,226 sq. ft. single family residence. The project is located in the Benton City area of unincorporated Benton County within the Rural Lands 5 Acre District. Parcel number 1-0797-101-3685-001.

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 office 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 27th day of March, 2024.

PUBLICATION DATE: April 3, 2024

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department