

## EXHIBIT LIST FOR CUP 2024-007 Ronald Duncan

<b>Hearings Examiner Staff Memo Exhibit List -May 17, 2024 hearing</b>		
HEM 1.1	Staff Memo	May 6, 2024
HEM 1.2	Vicinity map	March 18, 2024
HEM 1.3	Application	March 15, 2024
HEM 1.4	Site Plan	March 15, 2024
HEM 1.5	Written Determination of Completeness	March 22, 2024
HEM 1.6	Agency review request	March 22, 2024
HEM 1.7	Comment from Benton Rural Water	March 25, 2024
HEM 1.8	Comment from Benton County Code Enforcement	March 26, 2024
HEM 1.9	Comment from Kennewick Irrigation District	March 26, 2024
HEM 1.10	Comment from Benton County Public Works	April 1, 2024
HEM 1.11	Comment from Benton Public Utility District	April 2, 2024
HEM 1.12	Comment from Benton County Fire Marshal	April 2, 2024
HEM 1.13	Notice of Open Record Hearings	May 1, 2024
<b>Exhibits Submitted <span style="color: red;">During Hearing</span> or while record remained open</b>		
HEH 1.1		
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**Community Development Department**

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

**Planning Division**

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

**STAFF REPORT TO THE  
 BENTON COUNTY HEARINGS EXAMINER  
 Ron Duncan  
 Detached Accessory Dwelling Unit**

**FILE NO:** CUP 2024-007

**MEMO DATE:** May 6, 2024

**HEARING DATE:** May 17, 2024

**APPLICANT/OWNER:** Ron Duncan, 54109 N Demoss Rd., Benton City, WA 99320

**LOCATION:** General Location: The property is located in the Benton City area of unincorporated Benton County; approximately 2.35 miles north of the intersection of Demoss Road and SR 224.  
Address: 54109 N Demoss Rd., Benton City, WA 99320  
Legal: Lot 4 of Short Plat 1740  
Parcel Number: 105973011740004

**PROPERTY SIZE:** Approximately 1.58 Acres

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

**LAND USE:** Residential

**ZONING:** Rural Lands Five 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 standalone ADU is proposed to be 798 square feet in size and located to the east of the existing primary single-family dwelling on site.

The property is approximately 1.58 acres in size with a 3,326 square foot primary single-family dwelling.

The application for CUP 2024-007 (HEM 1.3) was submitted to the Benton County Planning Division on March 15, 2024.

The application was declared complete for processing on March 22, 2024. (HEM 1.5)

The application documents were distributed to reviewing agencies on March 22, 2024. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2024-007 was published on May 1, 2024 in the Prosser Record Bulletin. (HEM 1.13)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 23, 2024

The Open Record Hearing is scheduled for May 17, 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 Remote is the predominant rural land use in the County. This land is located mostly between the agricultural lands (GMA Agriculture), Rural Transition, and the UGAs. Rural Remote land use is intended to enhance and preserve the County's rural character, which includes rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural home sites on which a limited range of agricultural activities may be conducted. Allowable density in Rural Remote land use is 1DU/5acres.

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 2<sup>nd</sup> floor unit.
- (12) Either the accessory dwelling unit or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow to occupy the landowner(s) unit when absent the rest of the year.
- (13) If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be

- considered detached and compliance with subsection (c) below is required.
- (14) The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of Benton County Code.
  - (15) The accessory unit shall not be considered as a dwelling unit when calculating density.
  - (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 22, 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. Benton County Rural Water Coordinator
  - i. Kennewick Irrigation District
  
2. The following comments were received from the **Benton County Fire Marshal (HEM 1.12)**:
  - a. The proposed ADU for CUP 2024-007 will have to meet requirements for Fire Apparatus access. These requirements are found in BCC 3.18.045.
  - b. For more information, please contact the Benton County Fire Marshal at (509)735-3500, Ext 2411 or by email at gary.tiplady@co.benton.wa.us.
  
3. The following comments were received from the **Rural Water Supply Program (HEM 1.7)**:
  - a. The parcel for CUP 2024-007 is located within Benton County's Rural Water Supply Program area. The Applicant must apply for and obtain a mitigation certificate prior to the CUP being issued for the construction of an ADU. A building permit will need to also be applied for in order for the Mitigation Certificate to be approved.
  - 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 2024-007 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 a 798 square foot detached accessory dwelling unit (ADU) located at 54109 N Demoss Rd., 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 property owner/applicant is Ron Duncan, 54109 N Demoss Rd., Benton City, WA 99320.
4. The property is approximately 1.58 acres in size and is zoned Rural Lands Five Acre (RL-5) District.
5. The property is located in the Benton City area of unincorporated Benton County; approximately 2.35 miles north of the intersection of Demoss Road and SR 224 (Parcel 105973011740004).
6. The ADU is proposed to be located east of the existing 3,326 square foot primary single-family dwelling.
7. The applicant will reside in the primary dwelling.
8. The conditional use permit (CUP 2024-007) shall comply with the Benton County Critical Area Ordinance, Title 15 BCC.
  - a. The proposed ADU is not located within any critical areas.
9. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
10. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
11. The detached ADU complies with Benton County Building Division standards and requirements.
12. The application for CUP 2024-007 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
13. The application for CUP 2024-007 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
14. The application for CUP 2024-007 is consistent with the goals and policies of the Benton County Comprehensive Plan.
15. The application for CUP 2024-007 is consistent with the requirements of the Benton County Zoning Code.
16. The application for CUP 2024-007 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 3,326 square feet. Forty percent 40% of 3,326 square

feet is 1,330 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.
17. The application for CUP 2024-007 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be a standalone structure.
18. The application for CUP 2024-007 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
- a. The proposed ADU is east 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.
19. 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.
20. 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.
21. 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.
22. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
23. 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

**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.

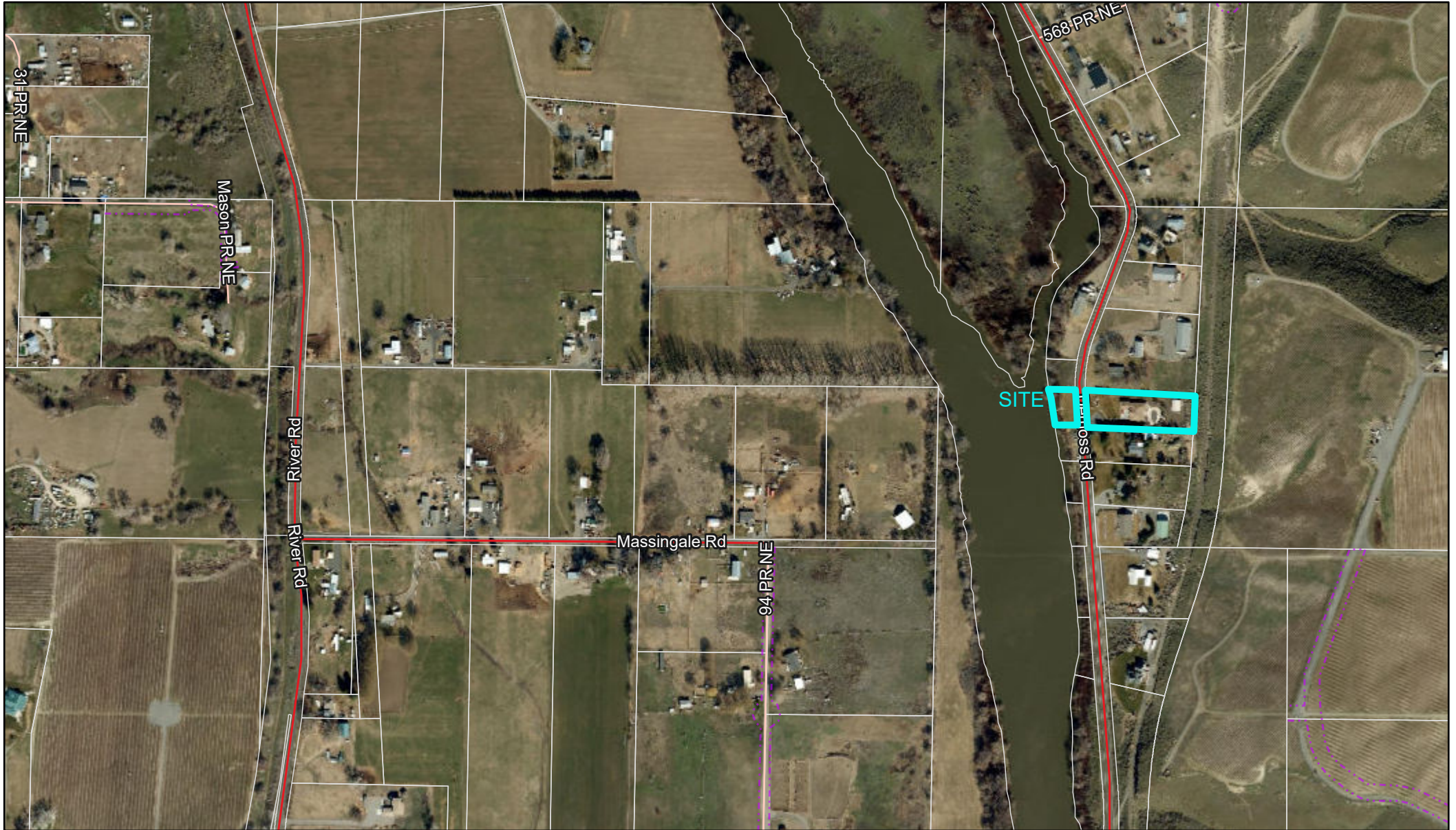
Should the legal landowner of the parcel change at anytime during the life of this Conditional Use Permit the new property owner must provide their written request to the Planning Division for the continuation or termination of the CUP.

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.

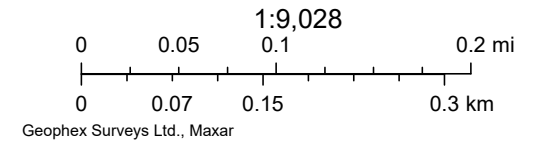
**VIOLATIONS OF CONDITIONS OF APPROVAL:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2024-007 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.



3/18/2024, 10:32:21 AM



Community Development Department

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



Planning Division

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

RECEIVED

MAR 15 2024

Benton County  
Planning Division

CONDITIONAL USE PERMIT APPLICATION

File No. CUP 2024-007

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Ron Duncan

Mailing Address (with City, State & zip): 54109 N. Demoss Rd Benton City, WA 99320

Phone #1: 509 947-7911 Phone #2: \_\_\_\_\_

Email Address(es): RKDUNCANJR@YAHOO.COM

Signature: [Signature] Date: 2/29/24

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

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: N/A

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): 54109 N. Demoss Rd. Benton City

2. Parcel number(s): 105973011740004

3. Total Acreage: 1.58

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

5. Utilities:  
Power:  Benton PUD  Benton REA  Other: \_\_\_\_\_

Sewer:  Septic Tank  City Sewer  Other: \_\_\_\_\_

Water:  Individual well(s)  One well serving 2-4 lots  One well serving 5+ lots  
 City System Provider: \_\_\_\_\_  
 Private System Provider name and address: \_\_\_\_\_

Gas:  No  Yes Provider name: \_\_\_\_\_

Irrigation:  No  Yes Provider name: \_\_\_\_\_

6. Current use(s) on property: Single Family Dwelling

7. What are you proposing to do that requires a Conditional Use Permit? Place a new stick built 798 sq' E ADU on property to house mother + 1 Father

For the following proposed uses, please attach the appropriate addendum form:  
Business Use, Detached Accessory Dwelling Unit, Child Care Facility (Type B), Bed & Breakfast, Mineral Extraction (Commercial Sand & Gravel), Commercial Kennel, Winery.

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

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

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

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**Community Development Department**

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Kennewick Office: 102206 East Wiser Parkway  
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**Planning Division**

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[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
102206 East Wiser Parkway, Kennewick, WA 99338

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

RECEIVED

MAR 15 2024

Benton County  
Planning Division

File No. \_\_\_\_\_

Applicant Name: Row DUNCAN

1. Number of Accessory Dwelling Units currently on the property: 1 proposed
2. Is there a single family dwelling currently on the property?  Yes  No
3. What is the square footage of the main home? 3326 sq'
4. What is the square footage of the proposed Accessory Dwelling Unit? 798 sq'
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:

Construct a new ADU TO house mother or father

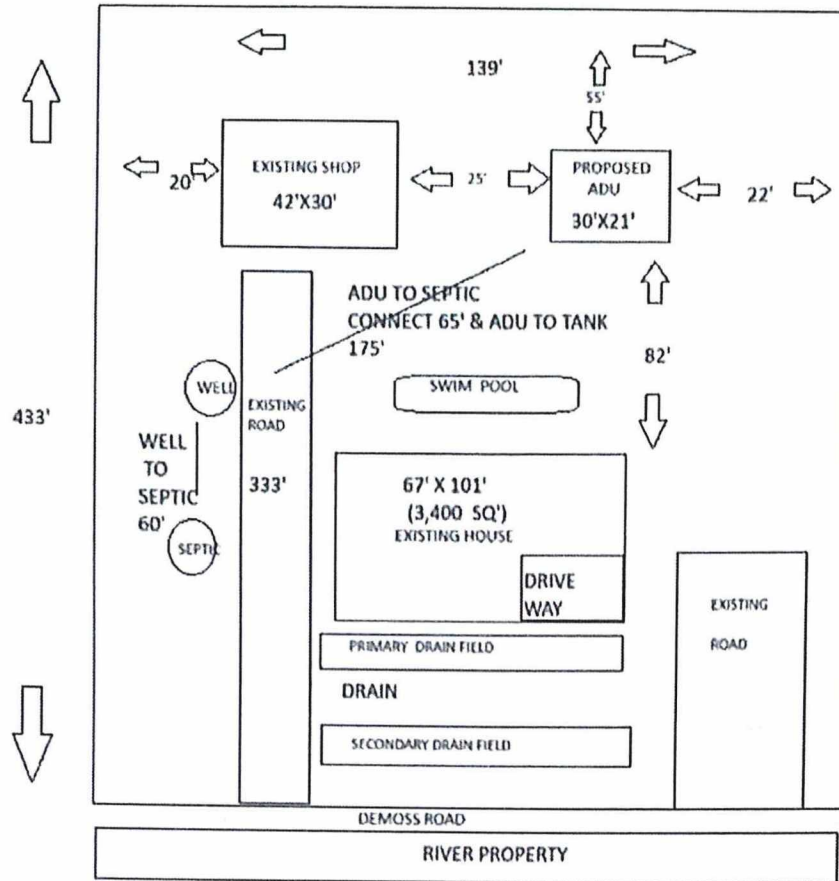
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**Please provide a site plan that includes the following:**

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

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.

# HEM 1.4



**PLOT PLAN**  
798 SQ' PROPOSED ADU  
CONNECT TO EXISTING  
WATER/SEWER AND  
EXISTING ROAD

54109 N DEMOSS RD  
BENTON CITY, WA 997  
OWNER: RON DUNCA  
509-947-7911  
EXISTING 3 BEDROOM  
LIVED IN BY TWO PEO  
1.58 ACRES  
PARCEL 10597301174

**RECEIVED**

MAR 15 2024

Benton County  
Planning Division

**Community Development Department**

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

**Planning Division**

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

March 22, 2024

Ronald Duncan  
54109 N Demoss Road  
Benton City, WA 99320

Via Email: RKDuncanjr@yahoo.com

RE: Written Determination of Completeness  
File Number: CUP 2024-007

Dear Mr. Duncan,

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 2024-007) 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, appearing to read "Elizabeth Koerner".

Elizabeth Koerner, Associate Planner  
Benton County Planning Division

**Community Development Department**

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

**Planning Division**

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

March 22, 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 Coordinator  
Benton PUD  
Benton REA  
Kennewick Irrigation District

**RE:** Agency review of a Conditional Use Permit application  
**File #:** CUP 2024-007  
**Parcel #:** 1-0597-301-1740-004  
**Applicant:** Ronald Duncan

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

The applicant is proposing to construct a 798 sq. ft. detached accessory dwelling unit on a parcel with an existing 3,326 sq. ft. single family residence. The project is located in the Benton City area within the Rural Lands 5 Acre District. Parcel number 1-0597-301-1740-004.

PLEASE SUBMIT YOUR COMMENTS to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **April 5, 2024**. Please reference file number **CUP 2024-007** 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*

**From:** Rural Water Supply Program  
**Sent:** Monday, March 25, 2024 1:53 PM  
**To:** Planning Department  
**Subject:** RE: Agency Review CUP 2024-007 - Ronald Duncan

The parcel for CUP 2024-007 is located within Benton County's Rural Water Supply Program area. The Applicant must apply for and obtain a mitigation certificate prior to the CUP being issued for the construction of an ADU. A building permit will need to also be applied for in order for the Mitigation Certificate to be approved.

Please contact the Benton County Rural Water Supply Program for more information at 509-786-5612.



**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](mailto:rural.water@co.benton.wa.us)  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Friday, March 22, 2024 9:49 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Firechief@bcfpd2.org; AsstFireChief@bcfpd2.org; DistrictAdmin@bcfpd2.org; 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>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Angela Richman <richmana@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Jason Brown <jabrown@bentonrea.org>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>  
**Subject:** Agency Review CUP 2024-007 - Ronald Duncan

Good morning,

**From:** Code Enforcement  
**Sent:** Tuesday, March 26, 2024 8:51 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review CUP 2024-007 - Ronald Duncan

There is not nor has there been any code enforcement action on Mr. Duncan’s property.

Code enforcement does not have any questions or issues with the proposed detached ADU.

It appears that the proposed area is just outside of the identified geological hazardous area for steep slope 15%.



**Dale Wilson**  
**Code Enforcement Supervisor**  
**Benton County Washington**  
**(509) 222-2301**  
[Code.Enforcement@co.benton.wa.us](mailto:Code.Enforcement@co.benton.wa.us)

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**Subject:** Agency Review CUP 2024-007 - Ronald Duncan

Good morning,

Attached you will find the necessary application materials for Ronald Ducan who is requesting a Conditional Use Permit for a detached 798 sq. ft. accessory dwelling unit at 54109 N Demoss Road in Benton City.

Please review and provide any comments by **Friday April 5, 2024.**

Have a wonderful weekend,

**From:** Jan Enstad <JEnstad@kid.org>  
**Sent:** Tuesday, March 26, 2024 3:15 PM  
**To:** Planning Department  
**Cc:** Daniel Tissell; Mardi Perry; rkduncanjr@yahoo.com  
**Subject:** [EXTERNAL] RE: Agency Review CUP 2024-007 - Ronald Duncan

Ms. Relyea,

KID has no comment regarding this matter. It is out of our District boundaries.

Thank you,

**Jan Enstad**

Engineering Technician II

**Kennewick Irrigation District**

2015 S. Ely Street | Kennewick, WA | 99337

Phone: 509.460.5431 Ext. 113 | Mobile: 509.873.5371

Email: [JEnstad@kid.org](mailto:JEnstad@kid.org)

Website: [www.kid.org](http://www.kid.org)



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**Sent:** Friday, March 22, 2024 9:49 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Firechief@bcfpd2.org; AsstFireChief@bcfpd2.org; DistrictAdmin@bcfpd2.org; 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>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Angela Richman <richmana@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Jason Brown <jabrown@bentonrea.org>; Development <development@kid.org>  
**Subject:** Agency Review CUP 2024-007 - Ronald Duncan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Please review and provide any comments by **Friday April 5, 2024.**

Have a wonderful weekend,

**From:** Cristina Woods  
**Sent:** Monday, April 1, 2024 12:41 PM  
**To:** Planning Department  
**Subject:** RE: Agency Review CUP 2024-007 - Ronald Duncan

Good afternoon

Public Works has no comments, they have applied for a road approach permit 2024-075.

Thank you



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

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**Subject:** Agency Review CUP 2024-007 - Ronald Duncan

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Please review and provide any comments by **Friday April 5, 2024.**

Have a wonderful weekend,

**Nikki Relyea**

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**From:** Chad Brooks <brooksc@bentonpud.org>  
**Sent:** Tuesday, April 2, 2024 7:26 AM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: [E] Agency Review CUP 2024-007 - Ronald Duncan

No comment on ADU.

Chad Brooks  
Distribution Design Tech II  
Benton PUD  
Email: [brooksc@bentonpud.org](mailto:brooksc@bentonpud.org)  
Main # (509)582-2175  
Direct # (509)582-1233  
My Hours Mon-Thur 6:30am-5pm  
Benton PUD offices closed on Fridays



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**Subject:** [E] Agency Review CUP 2024-007 - Ronald Duncan

[EXTERNAL EMAIL]

Good morning,

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Please review and provide any comments by **Friday April 5, 2024.**

Have a wonderful weekend,



## **Fire Marshal Comments:**

April 2, 2024

# HEM 1.12

**Nikki,**

The proposed ADU for CUP 2024-007 will have to meet requirements for Fire Apparatus access. These requirements are found in BCC 3.18.045

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

**Re: CUP 2024-007, Duncan**

**Gary Tiplady**  
**Benton County Fire Marshal**  
**Building Inspector II**  
**509-735-3500**  
[Gary.Tiplady@co.benton.wa.us](mailto:Gary.Tiplady@co.benton.wa.us)