

EXHIBIT LIST FOR CUP 2024-009 Jay Swope and Christopher Smith

Hearings Examiner Staff Memo Exhibit List -May 17, 2024 hearing		
HEM 1.1	Staff Memo	May 3, 2024
HEM 1.2	Vicinity map	March 25, 2024
HEM 1.3	Application	March 22, 2024
HEM 1.4	Site Plan	March 22, 2024
HEM 1.5	Written Determination of Completeness	March 25, 2024
HEM 1.6	Agency review request	March 25, 2024
HEM 1.7	Comment from Benton County Rural Water Program	March 25, 2024
HEM 1.8	Comment from Benton County Building Department	March 26, 2024
HEM 1.9	Comment from Benton County Public Works	March 26, 2024
HEM 1.10	Comment from Benton County Code Enforcement	March 27, 2024
HEM 1.11	Comment from Benton County Fire Marshal	April 2, 2024
HEM 1.12	Comment from Benton Public Utility District	April 2, 2024
HEM 1.13	Notice of Open Record Hearings	May 1, 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
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102206 E Wiser Parkway, Kennewick, WA 99338

HEH 1.1

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Christopher Smith and Jay Swope
Detached Accessory Dwelling Unit**

FILE NO: CUP 2024-009

MEMO DATE: May 10, 2024

HEARING DATE: May 17, 2024

OWNERS/APPLICANTS: Christopher Smith and Jay Swope, 12008 E 568 PR NE, Benton City WA 99320

LOCATION: General Location: The property is located in the Benton City area of unincorporated Benton County approximately 2.7 miles north of the intersection of Demoss Rd and SR 224.
Address: 12008 E 568 PR NE, Benton City, WA 99320
Legal: Lot 1 of Short Plat 2575
Parcel Number: 105972012575001

PROPERTY SIZE: Approximately 2.50 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-four (24) 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 added on to an existing 1,750 square foot shop located northeast of the primary single-family dwelling on site.

The property is approximately 2.5 acres in size with an existing 5,229 square foot primary single-family dwelling.

The application for CUP 2024-009 (HEM 1.3) was submitted to the Benton County Planning

Division on March 22, 2024.

The application was declared complete for processing on March 25, 2024. (HEM 1.5)

The application documents were distributed to reviewing agencies on March 25, 2024. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2024-009 was published 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 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 25, 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 County Rural Water Coordinator
 - h. Benton Public Utility District
 - i. Benton REA
 - j. Kennewick Irrigation District

2. The following comments were received from the Benton PUD (HEM 1.12):
 - a. There is an existing overhead power line northside of property. If the project is within 20 feet of the overhead power line, the applicants need to contact Benton PUD. The site plan suggests the project will be further than 20 feet.

 - b. For more information, please contact Chad Brooks with the Benton PUD at (509) 582-2175.

3. The following comments were received from the Benton County Fire Marshal (HEM 1.11):
 - a. The proposed ADU for CUP 2024-009 will have to meet requirements for fire apparatus access. These requirements are found in BCC 3.18.045.

 - b. If you have questions on these comments, please, contact the Benton County Fire Marshal, Gary Tiplady, at (509) 735-3500 ext. 2411.

4. The following comments were received from the Benton County Building Division (HEM 1.8):
 - a. The project must comply with all current Benton County and fire codes.

 - b. If you have questions on these comments, please contact the Benton Building Division at (509)735-3500.

5. The following comments were received from the Rural Water Supply Program (HEM 1.7):
 - a. The parcel for CUP 2024-009 is located within the Benton County Rural Water Supply Program Mitigation area. The applicants must apply for and obtain a mitigation certificate prior to the CUP being issued for the construction of an ADU. A building permit will also need to be applied for in order to 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 2024-009 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 12008 E 568 PR NE, 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 applicants are Christopher Smith and Jay Swope, 12008 E 568 PR NE, Benton City, WA 99320.
4. The property owners are Christopher Smith and Jay Swope, 12008 E 568 PR NE, Benton City, WA 99320.
5. The property is approximately 2.5 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 2.7 miles north of the intersection of Demoss Road and SR 224 (Parcel 105972012575001).
7. The ADU is proposed to be attached to an existing 1,750 square foot shop located northwest of the 5,229 square foot primary single-family dwelling.
8. The ageing parents of the applicants will reside in the ADU.
9. The conditional use permit (CUP 2024-009) shall comply with the Benton County Critical Area Ordinance, Title 15 BCC.
 - a. The proposed ADU is not located within any critical areas.
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 2024-009 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
14. The application for CUP 2024-009 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
15. The application for CUP 2024-009 is consistent with the goals and policies of the Benton County Comprehensive Plan.
16. The application for CUP 2024-009 is consistent with the requirements of the Benton County Zoning Code.
17. The application for CUP 2024-009 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 5,229 square feet. Forty percent 40% of 5,229 square feet is 2,091 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 2024-009 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 2024-009 is consistent with requirements in BCC 11.42.020(c)(2)(ii):

- a. The proposed ADU is northeast 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.

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.

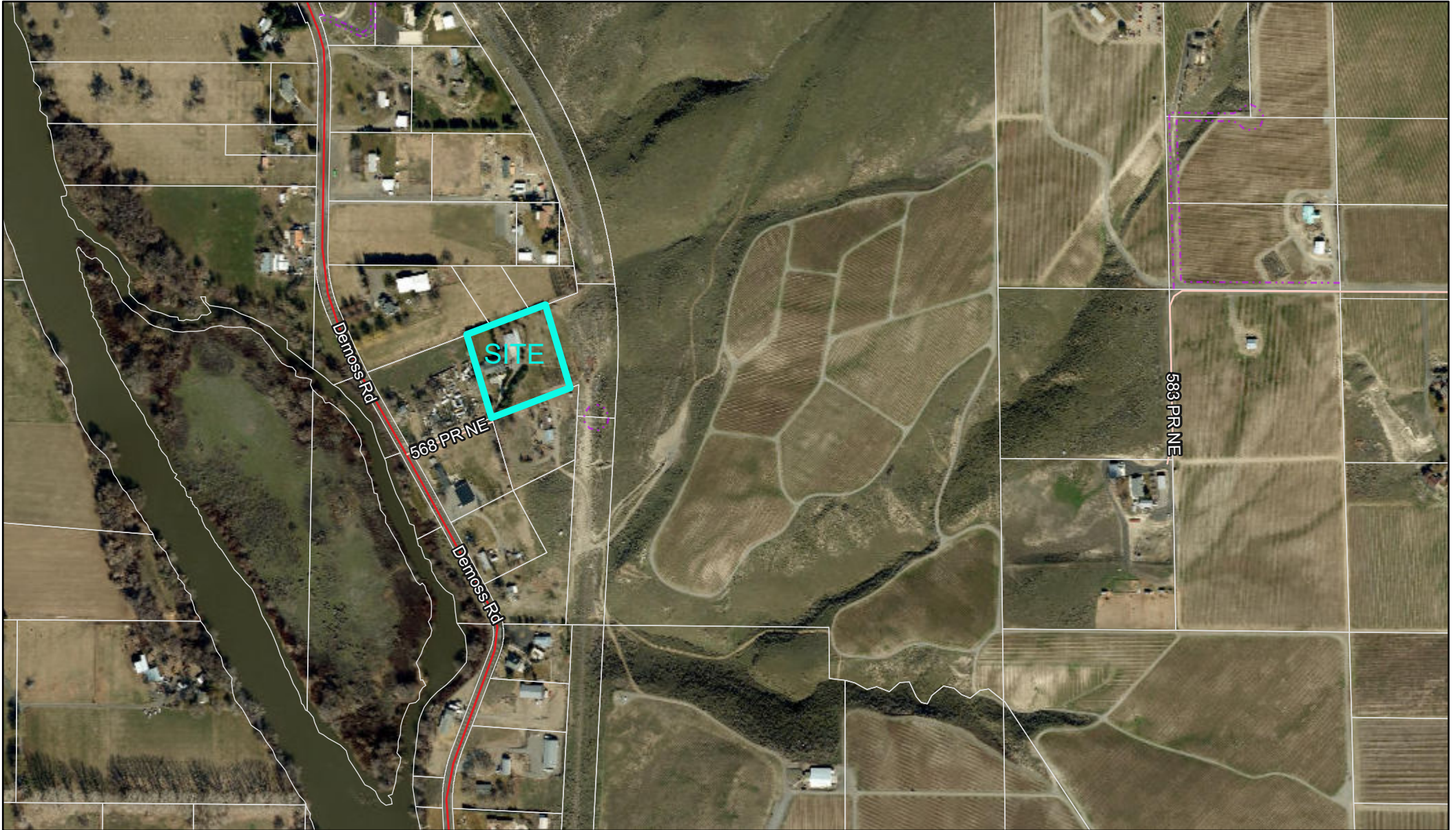
Should the legal landowner of the parcel change at any time during the life of this Conditional Use Permit the new property owner must provide their written request to the Planning Division for the continuation or termination of the CUP.

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.

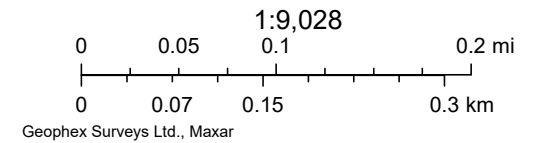
VIOLATIONS OF CONDITIONS OF APPROVAL:

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2024-009 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.



3/25/2024, 4:39:58 PM



Community Development Department
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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

File No. CWP 2024-009

RECEIVED

MAR 22 2024

Benton County
Planning Division

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Smith, Christopher B & Swope, Jay L

Mailing Address (with City, State & zip): 56909 N Demoss Rd. Benton City, WA 99320

Phone #1: 262-391-6512 Phone #2: 970-222-1212

Email Address(es): jayswopeco@gmail.com cbsmith0208@yahoo.com

Signature: _____ Date: _____

Name of Property Owner(s) (if different): Same as above

Mailing Address (with City, State & zip): 56909 N Demoss Rd. Benton City, WA 99320

Phone #1: 262-391-6512 Phone #2: 970-222-1212

Email Address(es): jayswopeco@gmail.com cbsmith0208@yahoo.com

Signature: [Handwritten Signature] Date: 1-22-2024

Signature: [Handwritten Signature] Date: 1-22-2024

*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):** 12008 E 568 PR NE, Benton, City, WA 99320-5503 (56909 N Demoss)

2. **Parcel number(s):** 105972012575001

3. **Total Acreage:** 2.5

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 / Residential

7. **What are you proposing to do that requires a Conditional Use Permit?** Remodel & add on an approximate 11 ft to the back of the current workshop building to create an ADU for aging relative parent.

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:** "We also own the adjacent 2.5 acres east of the property - 105972012575002 which also has a well. Also have application in to the Benton County Health Department to evaluate septic and give direction on current system, additional system or replacement of current system. - As of 1-11-2024 met w/ Rebecca Warrington on 2/27/2024"

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 22 2024

File No. _____

Applicant Name: Smith, Christopher B & Swope, Jay L

Benton Co. Planning Dept.

1. Number of Accessory Dwelling Units currently on the property: NONE
2. Is there a single family dwelling currently on the property? Yes No
3. What is the square footage of the main home? 5229 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 bedroom
6. Does the landowner currently have any other land use permits? No

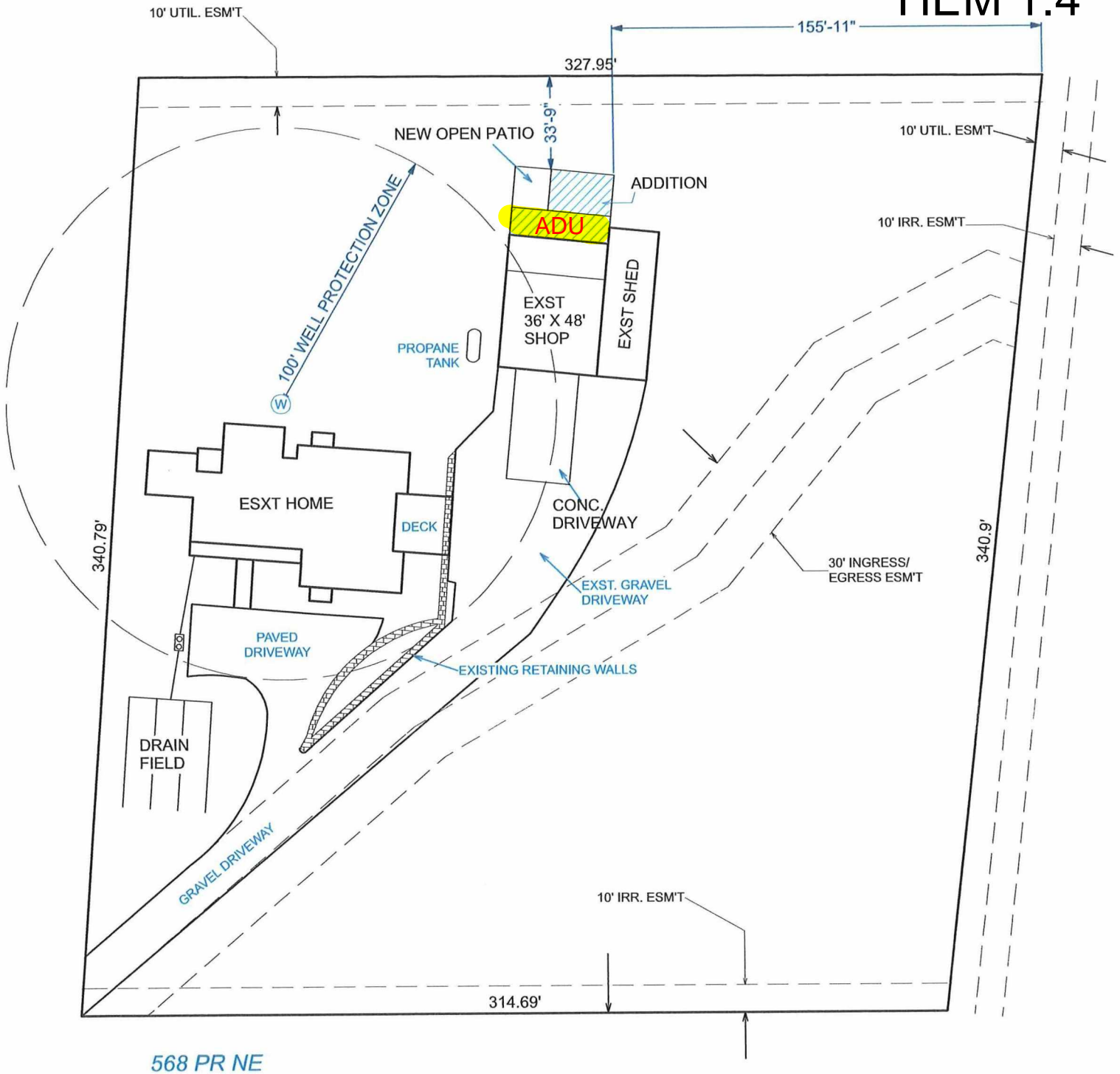
Please describe the purpose and reason for the Accessory Dwelling Unit:

The purpose of the ADU is to provide a living space to an aging parent who currently resides out of state who need closer accessibility to family and health care.

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



Community Development Department

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HEM 1.5

March 25, 2024

Jay Swope & Christopher Smith
56909 N Demoss Road
Benton City, WA 99320

Via Email: jayswopeco@gmail.com
cbsmith0208@yahoo.com

RE: Written Determination of Completeness
File Number: CUP 2024-009

Dear Mr. Swope and Mr. Smith,

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 2024-009) 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, 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

HEM 1.6

March 25, 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 2024-009
Parcel #: 1-0597-201-2575-001
Applicant: Jay Swope and Christopher Smith

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 5,229 sq. ft. single family residence. The project is located in the Benton City area within the Rural Lands 5 Acre District. Parcel number 1-0597-201-2575-001.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by **April 8, 2024**. Please reference file number **CUP 2024-009** 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: Monday, March 25, 2024 4:06 PM
To: Planning Department
Subject: RWSP 2024-007 Mitigation Certificate

The parcel for CUP 2024-009 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 also need to 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
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.

Nikki Relyea

From: Troy Taylor
Sent: Tuesday, March 26, 2024 8:04 AM
To: Planning Department
Subject: RE: Agency Review CUP 2024-009 - Jay Swope

Building- Comply with all current Bento County and fire codes.

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, March 25, 2024 3:39 PM
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; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Firechief@bcfcpd2.org; AsstFireChief@bcfcpd2.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 2024-009 - Jay Swope

Good afternoon,

Attached you will find the necessary application materials for Jay Swope and Christopher Smith who are requesting a Conditional Use Permit for a detached 800 sq. ft. accessory dwelling unit at 56909 N Demoss Road in Benton City.

Please review and provide any comments by **Monday April 8, 2024.**

Have a wonderful week,

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



Nikki Relyea

From: Cristina Woods
Sent: Tuesday, March 26, 2024 10:40 AM
To: Planning Department
Subject: RE: Agency Review CUP 2024-009 - Jay Swope

Good morning

PW has no comments.

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: Monday, March 25, 2024 3:39 PM
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; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Firechief@bcfpd2.org; AsstFireChief@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 2024-009 - Jay Swope

Good afternoon,

Attached you will find the necessary application materials for Jay Swope and Christopher Smith who are requesting a Conditional Use Permit for a detached 800 sq. ft. accessory dwelling unit at 56909 N Demoss Road in Benton City.

Please review and provide any comments by **Monday April 8, 2024.**

Have a wonderful week,

From: Code Enforcement
Sent: Wednesday, March 27, 2024 7:50 AM
To: Planning Department
Subject: RE: Agency Review CUP 2024-009 - Jay Swope
Attachments: 20240327080600.pdf

The comments in the email that was sent out indicates that the ADU is for 56909 N Demoss Rd. (Which appears is not a good address) The application states the ADU is to be constructed at 12008 E 568 PR NE, Benton City, WA 99320.

The application for CUP 2024-009 has incorrect mailing addresses for both the applicant/owner. 56909 N Demoss does not load up in GIS and it appears it is the old address, so the mailing address should reflect 12008 E 568 PR NE, which is also what is on Smith’s Washington State Driver’s License. Can we confirm that the mailing address is the new address assigned to that parcel, this will ensure any mailings from the County during this process will be received by the applicants.

Also it currently appears that the home is being utilized as two separate dwellings from an addition in 2023 under building permit 37023 (see attached), confirmation needs to be confirmed prior to approving the detached ADU.

Code Enforcement is familiar with the property under prior ownership due to extensive code violations in 2013 that appear were taken care of, except for the second living space that appears was added by the new owners.

Please feel free to contact me with further questions.

Code Enforcement decision at this time would be to hold and/or deny the CUP for the ADU until clarification on the addition permit# 37023.



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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, March 25, 2024 3:39 PM
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; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Firechief@bcfpd2.org; AsstFireChief@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



April 2, 2024

Fire Marshal Comments:

HEM 1.11

Nikki,

The proposed ADU for CUP 2024-009 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 2024-009, Swope

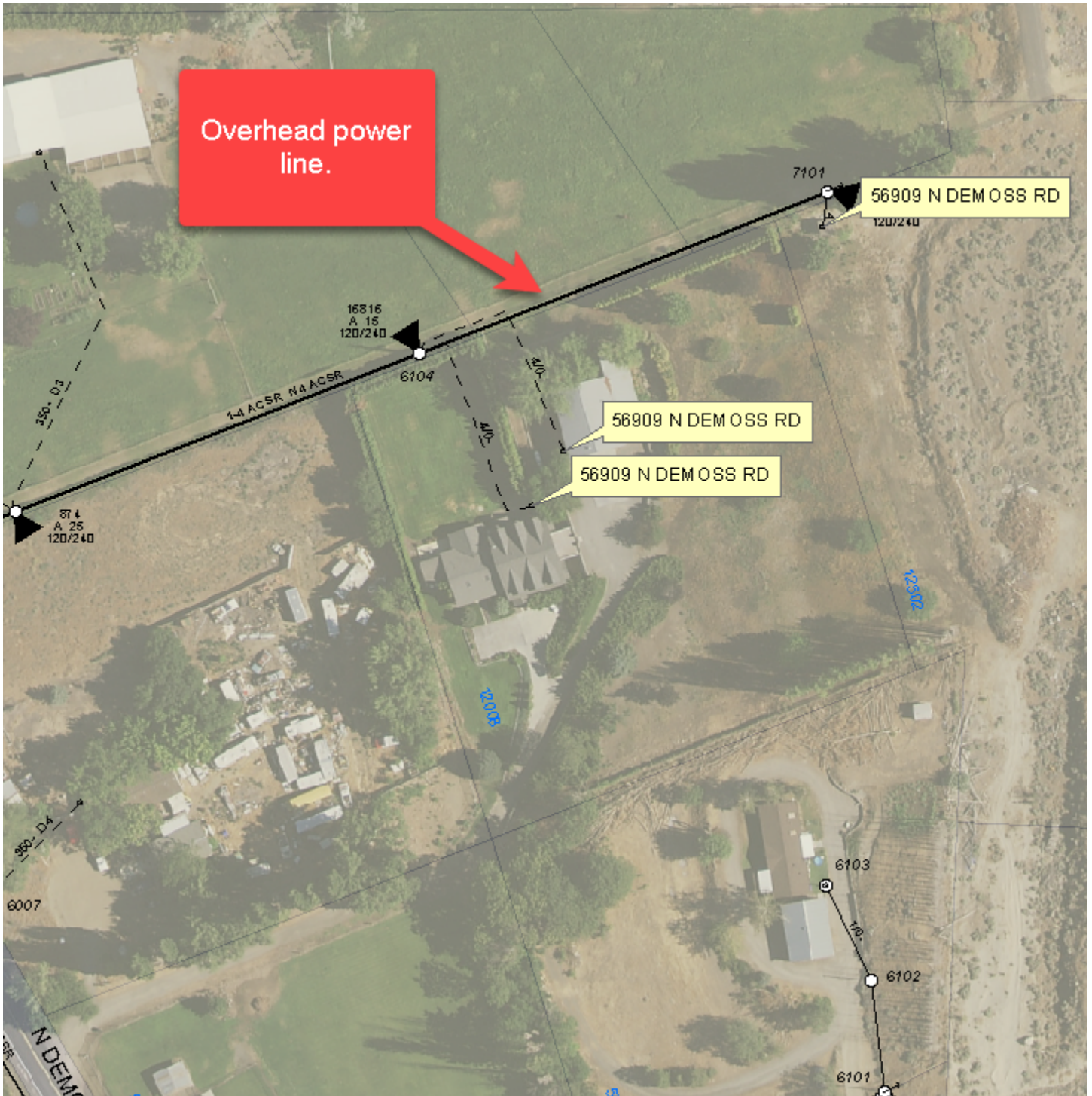
Gary Tiplady
Benton County Fire Marshal
Building Inspector II
509-735-3500
Gary.Tiplady@co.benton.wa.us

Nikki Relyea

From: Chad Brooks <brooksc@bentonpud.org>
Sent: Tuesday, April 2, 2024 7:35 AM
To: Planning Department
Subject: [EXTERNAL] RE: [E] Agency Review CUP 2024-009 - Jay Swope

HEM 1.12

There is an existing overhead power line Northside of property. If within 20 feet of overhead power line need to contact Benton PUD. Site plan shows further.





HEM 1.13

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 **May 17, 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 2024-003 The applicant, Tri-Cities Apostolic Lutheran Church, is proposing to construct and operate a church approximately 12,000 sq. ft. in size with an 85 space parking lot. The project is located at 33203 Clodfelter Road, Kennewick, WA 99338. Parcel number 1-2388-401-3191-001.

CONDITIONAL USE PERMIT – CUP 2024-007 The applicant, Ronald Duncan, 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 at 54109 N Demoss Road, Benton City, WA 99320. Parcel number 1-0597-301-1740-004.

CONDITIONAL USE PERMIT – CUP 2024-008 The applicant, Matthew Waddell, is proposing to construct a 614 sq. ft. detached accessory dwelling unit on a parcel with an existing 1,536 sq. ft. single family residence. The project is located at 626 N Riverside Drive, West Richland, WA 99353. Parcel number 1-0498-200-0017-000.

CONDITIONAL USE PERMIT – CUP 2024-009 The applicants, Jay Swope and Christopher Smith, are proposing to construct an 800 sq. ft. detached accessory dwelling unit on a parcel with an existing 5,229 sq. ft. single family residence. The project is located at 12008 E 568 PR NE, Benton City, WA 99320. Parcel number 1-0597-201-2575-001.

CONDITIONAL USE PERMIT – CUP 2024-010 The applicants, Eric and Kimberly Drury, are proposing to construct an 800 sq. ft. accessory dwelling unit within a 24' x 80' shop on a parcel with an existing 2,420 sq. ft. single family residence. The project is located at 89758 E Calico Road, Kennewick, WA 99338. Parcel number 1-0988-405-0000-042.

PUBLIC HEARING ON VARIANCE PERMIT – VAR 2024-001 The applicants, Scott and Jessica Meyers, are requesting a variance to allow for the installation of flood venting rather than elevating a new 30’X48’ detached shop at 73552 N Pederson Road, West Richland, WA 99353. Parcel number 1-3008-301-1869-003.

PUBLIC HEARING ON VARIANCE PERMIT – VAR 2024-002 The applicants, Evan and Kathy Mehlenbacher, are proposing to construct an addition to their existing residence and requesting a variance to reduce the required 25-foot setback from a private access easement by 10 feet, leaving a total setback from the east property line of 15 feet. The project is located at 72812 E 279 PR NE, Richland, WA 99352. Parcel number 1-2098-201-0731-001.

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 on or before **May 15, 2024**. 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 23rd day of April, 2024.

PUBLICATION DATE: May 1, 2024

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department