



**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

# HEM 1.1

**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Marshall DeCoria  
Detached Accessory Dwelling Unit**

**FILE NO:** CUP 2024-017  
**MEMO DATE:** September 25, 2024  
**HEARING DATE:** October 18, 2024  
**APPLICANT:** Marshall DeCoria  
97702 E 162 PR SE, Kennewick, WA 99338  
**OWNER:** Marshall and Tasha DeCoria  
97702 E 162 PR SE, Kennewick, WA 99338

**LOCATION:** General Location: The property is located in the Kennewick area of unincorporated Benton County, approximately 0.38 miles west of the intersection of Cottonwood Dr and E 162 PR SE.  
Address: 97702 E 162 PR SE, Kennewick, WA 99338  
Legal: Lot 2 of Short Plat 2974  
Parcel Number: 110884012974002

**PROPERTY SIZE:** Approximately 2.56 Acres  
**AREA TO BE USED:** Not to exceed 540 square feet  
**LAND USE:** Residential  
**ZONING:** Rural Lands Five- Acre District (RL-5)  
**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 Six (6) Conditions of Approval as outlined in this staff report.

## **APPLICATION DESCRIPTION:**

The applicant is proposing to construct a 540 square foot accessory dwelling unit (ADU) for his in-laws to live in. The ADU is proposed to be constructed as an addition to an existing 2,160 square foot shop building and would be located north of the existing 2,718 square foot single-family dwelling on site.

The property is approximately 2.56 acres in size and is located within the Rural Lands Five Acre Zoning District.

The application for CUP 2024-017 (HEM 1.3) was submitted to the Benton County Planning Division on September 4, 2024.

The application was declared complete for processing on September 9, 2024. (HEM 1.6)

The application documents were distributed to reviewing agencies on September 9, 2024. (HEM 1.7)

A revised CUP ADU Addendum was received to address the applicant's intended use of the proposed ADU on September 20, 2024. (HEM 1.4)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2024-017 was published on October 2, 2024 in the Prosser Record Bulletin. (HEM 1.15)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on September 27, 2024.

The Open Record Hearing is scheduled for October 18, 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 September 9, 2024.
  - a. Benton County Public Works Department
  - b. Benton-Franklin Health District
  - c. Benton County Fire District # 1
  - d. Benton County Building Division
  - e. Benton County Fire Marshal
  - f. Benton County Code Enforcement
  - g. Benton PUD
  - h. Kennewick Irrigation District
  
2. The following comments were received from Benton PUD on September 12, 2024 (HEM 1.13):
  - a. The customer will need to provide power loads being added to determine if the transformer can handle additional power loads.
  - b. The customer will need to inform the PUD whether or not a separate service will be needed for the proposed ADU or will it be served from the house/shop.
  - c. For more information, please contact Chad Brooks, Benton PUD at (509) 582-1233.
  
3. The following comments were received from the Benton County Building Division on September 10, 2024 (HEM 1.9):
  - a. The new structure must comply with all current Benton County Building and Fire Codes.
  - b. If you have questions on these comments, please contact the Benton County Building Division at (509)735-3500.
  
4. The following comments were received from the Benton County Code Enforcement on September 12, 2024 (HEM 1.10 and HEM 1.12):
  - a. The DeCoria's have reapplied for the swimming pool permit and have set up a final inspection today (September 12, 2024).
  - b. They are in compliance and the code enforcement case is closed.
  - c. Code Enforcement does not have any further objections regarding the ADU

application.

- d. If you have questions about these comments, please contact Dale Wilson with Benton County Code Enforcement at (509) 786-5612.
5. The following comments were received from the Benton Franklin Health Department on September 19, 2024 (HEM 1.14):
- a. The BFHD has reviewed the above CUP for DeCoria, 97702 E 162 PR SE and their intent to create the addition of an ADU in the shop area.
  - b. During our evaluation of the septic system for this purpose we were not informed of the intent to rent out the ADU in the shop.
  - c. The use of the ADU as a rental unit causes us to have concerns 1) the unit sharing the septic system of the home and 2) the need to develop a group B water system to provide a safe water supply to the unit.
  - d. If it is the intent of the owner to rent this ADU, BFHD would like the opportunity to re-evaluate this proposal.
  - e. If you have questions about these comments, please contact JoDee Peyton, Benton Franklin Health Department at (509) 460-4318.
6. The following are general comments and discussion points from the Planning Division:
- a. In the original application submitted by the applicant on September 4, 2024, the applicant described their intended purpose for the ADU as an apartment that they wish to rent out.
  - b. During agency review the Benton Franklin Health Department submitted comments that if the intention is to rent out the ADU the project will need to be re-evaluated by BFHD and that the sited use will trigger different requirements for the septic and well system servicing the proposed ADU.
  - c. On September 20, 2024 the applicant submitted a revised addendum to the original application to update their intended purpose of the ADU. The revised addendum states that the applicant wishes to use the ADU for caring for family, more specifically their in-laws.
  - d. Based on the comments received from BFHD and the applicant's revision of their intended use of the ADU, the ADU will not be allowed to be utilized as a rental unit now or in the future without a revaluation of the septic and well systems by the BFHD.
  - e. If the applicant or any future property owners intend to use the ADU as a rental unit for persons outside of the property owner's family in the future, an application for revaluation and compliance with all BFHD requirements will be required prior to the change in use.

### **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 2024-017 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 540 square foot detached accessory dwelling unit (ADU) located at 97702 162 PR SE, Kennewick, WA 99338.
2. The applicant is Marshall DeCoria, 97702 E 162 PR SE, Kennewick, WA 99338.
3. The property owners are Marshall and Tasha DeCoria, 97702 E 162 PR SE, Kennewick WA 99338.
4. The property is approximately 2.56 acres in size and is zoned Rural Lands Five Acre District.
5. The property is located within the Kennewick area of unincorporated Benton County approximately .38 miles west of the intersection of Cottonwood Dr and E 162 PR SE (Parcel 110884012974002).
6. The ADU is proposed to be located north of the existing 2,718 square foot primary single-family dwelling.
7. The ADU will be used to provide care for the property owner's family.
8. The conditional use permit (CUP 2024-017) does comply with the Benton County Critical Area Ordinance, Title 15 BCC.
  - a. The proposed ADU is not located within any critical areas per Benton County critical area maps.
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 2024-017 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
13. The application for CUP 2024-017 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
14. The application for CUP 2024-017 is consistent with the goals and policies of the Benton County Comprehensive Plan.
15. The application for CUP 2024-017 is consistent with the requirements of the Benton

County Zoning Code.

16. The application for CUP 2024-017 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 exists on the parcel/lot where the detached ADU is to be located.
  - c. The existing single-family dwelling is 2,718 square feet. Forty percent (40%) of 2,718 square feet is 1,087 square feet. The applicant is proposing a maximum of 540 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 shall 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 2024-017 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be located within a standalone structure.
18. The application for CUP 2024-017 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
  - a. The proposed ADU is located 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.
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. Per the comments received from the Benton Franklin Health District on September 19, 2024, if the intent of the applicant or any future owners is to use the ADU as a rental, an application for re-evaluation to the Benton Franklin Health Department will be required.
6. 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 Planning Division
  - f. Benton PUD

**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 2024-017 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.

**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**

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102206 E Wiser Parkway, Kennewick, WA 99338

# HEM 1.2

**ADDENDUM TO STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Marshall DeCoria  
Detached Accessory Dwelling Unit**

**FILE NO:** CUP 2024-017

**REPORT DATE:** October 16, 2024

**HEARING DATE:** October 18, 2024

**APPLICANT:** Marshall DeCoria, 97702 E 162 PR SE, Kennewick, WA 99338

**OWNER:** Marshall and Tasha DeCoria, 97702 E 162 PR SE, Kennewick, WA 99338

**LOCATION:** General Location: The property is located in the Kennewick area of unincorporated Benton County, approximately 0.38 miles west of the intersection of Cottonwood Dr and E 162 PR SE.  
Address: 97702 E 162 PR SE, Kennewick, WA 993338  
Legal: Lot 2 of Short Plat 2974  
Parcel Number: 1-1088-401-2974-002

**PROPERTY SIZE:** Approximately 2.56 Acres

**AREA TO BE USED:** Not to exceed 540 square feet

**LAND USE:** Residential

**ZONING:** Rural Lands Five- Acre District (RL-5)

**COMPREHENSIVE PLAN DESIGNATION:** Rural Remote

**NARRATIVE:**

On October 14, 2024, the applicant submitted a revised floor plan (HEM 1.7) for the proposed ADU changing the unit from a first-floor dwelling to a second-floor dwelling. The proposed changes to the floorplan do not change the layout or the square of the ADU. The applicant is proposing to construct an exterior access to serve the unit. The first floor of the residential garage addition below the proposed ADU will be additional garage space and will have no direct internal connection to the ADU.

**SUGGESTED FINDINGS OF FACT:**

1. The applicant is proposing to construct a 540 square foot detached accessory dwelling unit (ADU) located at 97702 162 PR SE, Kennewick, WA 99338.
2. The applicant is Marshall DeCoria, 97702 E 162 PR SE, Kennewick, WA 99338.

3. The property owners are Marshall and Tasha DeCoria, 97702 E 162 PR SE, Kennewick WA 99338.
4. The property is approximately 2.56 acres in size and is zoned Rural Lands Five Acre District.
5. The property is located within the Kennewick area of unincorporated Benton County approximately .38 miles west of the intersection of Cottonwood Dr and E 162 PR SE (Parcel 110884012974002).
6. The ADU is proposed to be located north of the existing 2,718 square foot primary single-family dwelling.
7. The ADU will be used to provide care for the property owner's family.
8. The conditional use permit (CUP 2024-017) does comply with the Benton County Critical Area Ordinance, Title 15 BCC.
  - a. The proposed ADU is not located within any critical areas per Benton County critical area maps.
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 2024-017 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
13. The application for CUP 2024-017 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
14. The application for CUP 2024-017 is consistent with the goals and policies of the Benton County Comprehensive Plan.
15. The application for CUP 2024-017 is consistent with the requirements of the Benton County Zoning Code.
16. The application for CUP 2024-017 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 exists on the parcel/lot where the detached ADU is to be located.
  - c. The existing single-family dwelling is 2,718 square feet. Forty percent (40%) of

2,718 square feet is 1,087 square feet. The applicant is proposing a maximum of 540 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 shall comply with Fire Marshal standards.
  - k. The detached ADU will be a second-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 2024-017 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be located within a standalone structure.
18. The application for CUP 2024-017 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
- a. The proposed ADU is located 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.
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

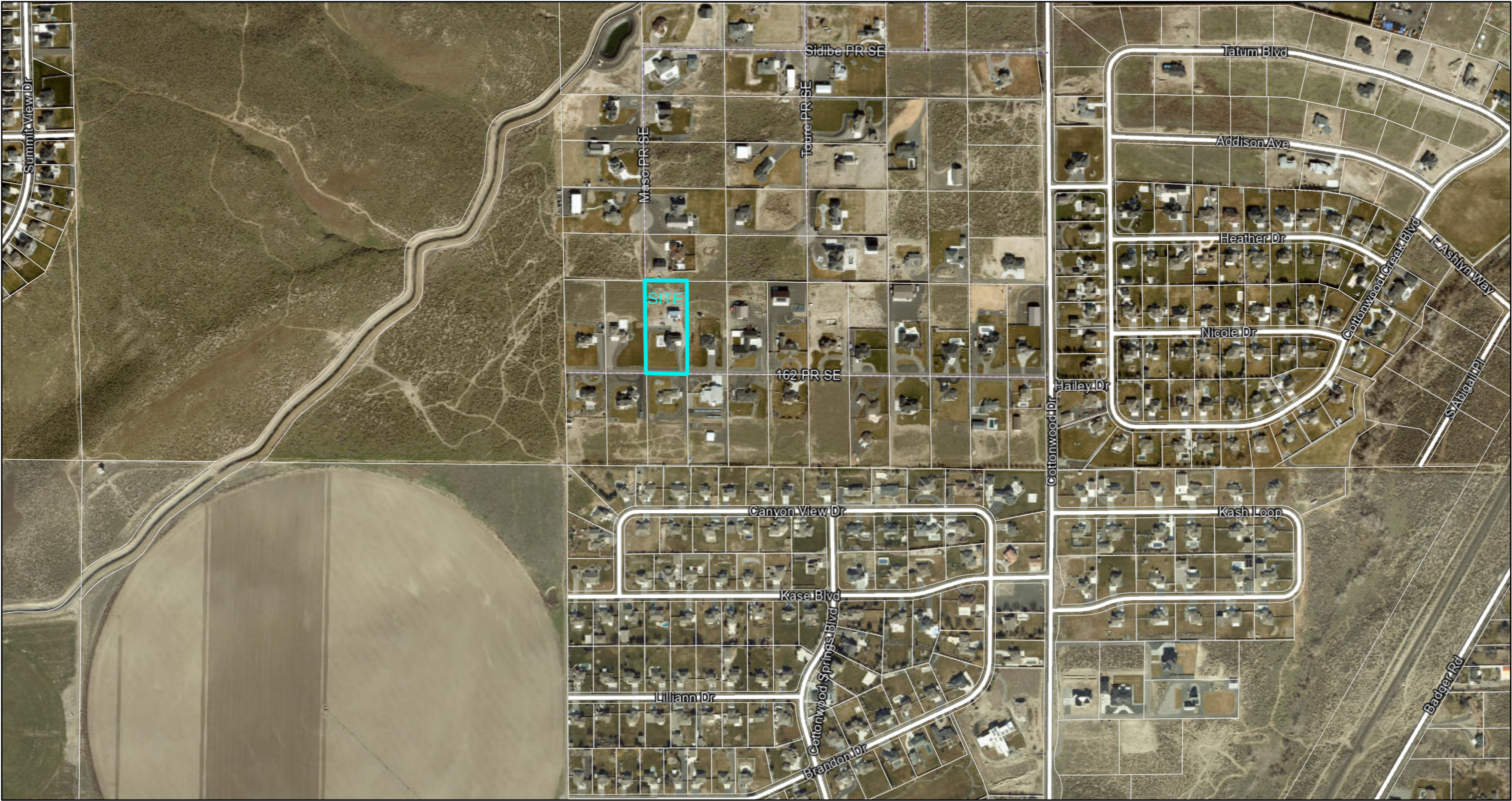
to a greater extent than other permitted uses in the applicable zoning district.

**SUGGESTED CONDITIONS OF APPROVAL:**

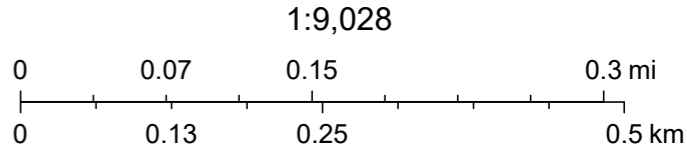
1. The activities on the site shall comply with the submitted site plan and materials submitted for this application.
2. The applicant shall provide written consent to the Planning Division from the legal landowner (if different from applicant) granting permission for the operation of the conditional 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. Per the comments received from the Benton Franklin Health District on September 19, 2024, if the intent of the applicant or any future owners is to use the ADU as a rental, an application for re-evaluation to the Benton Franklin Health Department will be required.
6. 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 Planning Division
  - f. Benton PUD

# CUP 2024-017 - DeCoria Vicinity Map

# HEM 1.3



9/5/2024, 10:14:11 AM



Geophex Surveys Ltd., Maxar

Community Development Department  
Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wisner 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. CUP 2024-017

RECEIVED

SEP 04 2024

Benton County  
Planning Division

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Marshall DeCoria

Mailing Address (with City, State & zip): 97702 E 162 Pr SE Kennewick, WA 99338

Phone #1: 509-591-1268 Phone #2: \_\_\_\_\_

Email Address(es): Mardecoria@gmail.com

Signature: [Signature] Date: 8/29/24

Name of Property Owner(s) (if different): \_\_\_\_\_

Mailing Address (with City, State & zip): \_\_\_\_\_

Phone #1: \_\_\_\_\_ Phone #2: \_\_\_\_\_

Email Address(es): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*If there are additional owners please copy this section, sign, and attach to the application

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.

ENTITY SIGNATURE BLOCK

Applicant/Legal Owner name: \_\_\_\_\_

Officer name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

THE ABOVE SIGNED OFFICER OF (name of entity) \_\_\_\_\_ WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT (name of applicant) \_\_\_\_\_ TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

Any information submitted to the Benton County Planning Division is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

PARCEL INFORMATION

1. Subject property address (including city): 97702 E 162 Pr SE Kennewick, WA  
99338

2. Parcel number(s): 110884012974002

3. Total Acreage: 2.52 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: \_\_\_\_\_

6. Current use(s) on property: Single family dwelling

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

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

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

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

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

Any information submitted to the Benton County Planning Division is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.



RECEIVED

SEP 04 2024

Benton County  
Planning Division

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

File No. CWP 2024-017

Applicant Name: Marshall DeCoria

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? 5,400
4. What is the square footage of the proposed Accessory Dwelling Unit? 540
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:

We would like to add an apartment onto the side of our existing shop. We would rent it out.

**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, septics, 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.

**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  
 102206 East Wiser Parkway, Kennewick, WA 99338

## CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

**RECEIVED**  
 SEP 20 2024

File No. CWP 2024-017

Applicant Name: Marshall DeCoria

Benton Co. Planning Dept.

1. Number of Accessory Dwelling Units currently on the property: 0
2. Is there a single family dwelling currently on the property?  Yes  No
3. What is the square footage of the main home? 5,400
4. What is the square footage of the proposed Accessory Dwelling Unit? 540
5. How many bedrooms will be in the Accessory Dwelling Unit? 1
6. Does the landowner currently have any other land use permits? no
7. Will the ADU be using an  Existing well (Well Tag ID \_\_\_\_\_) or  New well (Well Tag \_\_\_\_\_)
8. Is the well part of a public water system  Yes  No  
 If yes, name of public water system \_\_\_\_\_
- 9.. Will the well be a shared well  Yes  No  
 If yes, Parcel # where the well is located \_\_\_\_\_ Well Tag ID \_\_\_\_\_

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

We would like to add a living space on the side of our shop for caring for family (in-laws).

**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 1.6

1" = 50'

Parcel # 1108840129740

DeCoria

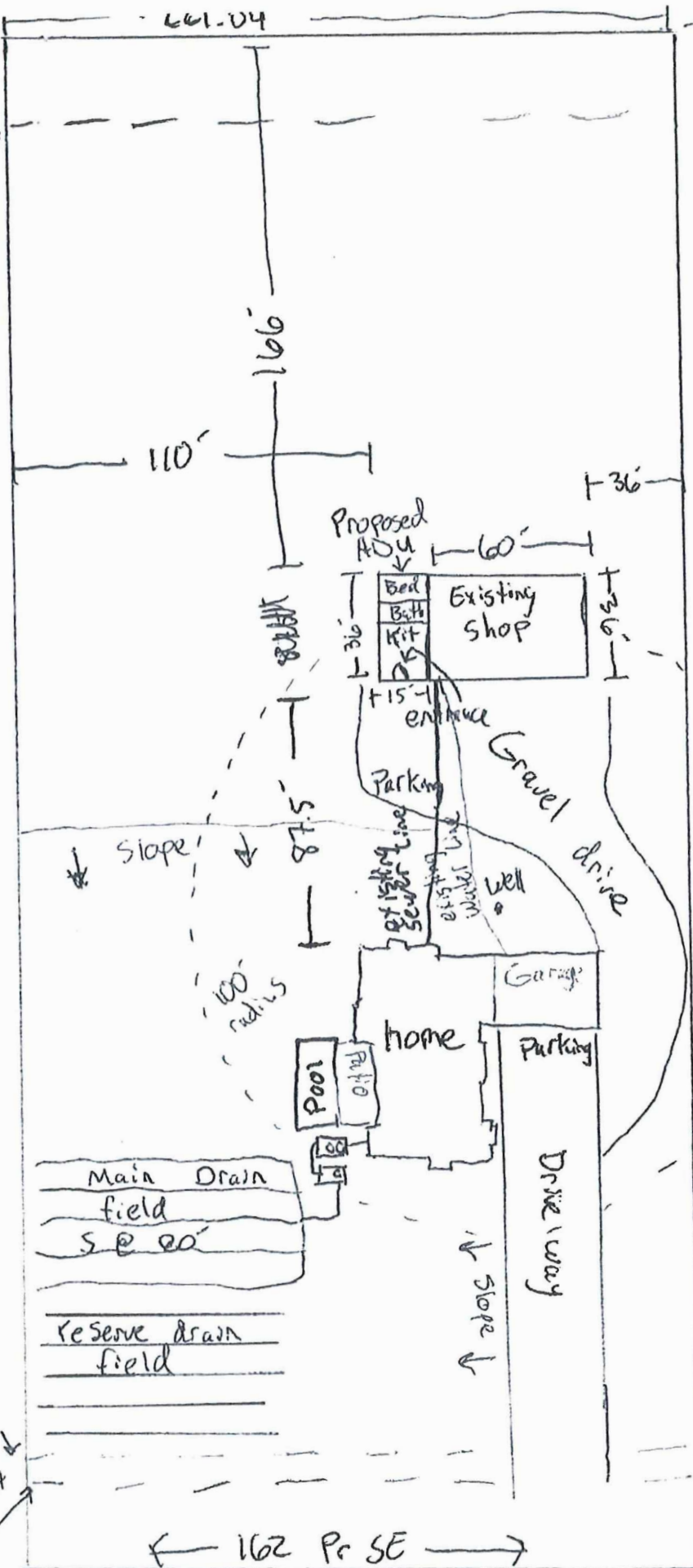
8/28/24

Mull RC

Site Plan Reviewed for Conformance with  
 Benton-Franklin Health District Rules  
 Addition of ADU in Shop

By P. Kelly  
 Date 9/4/2024

30' Access & Utility ESMT



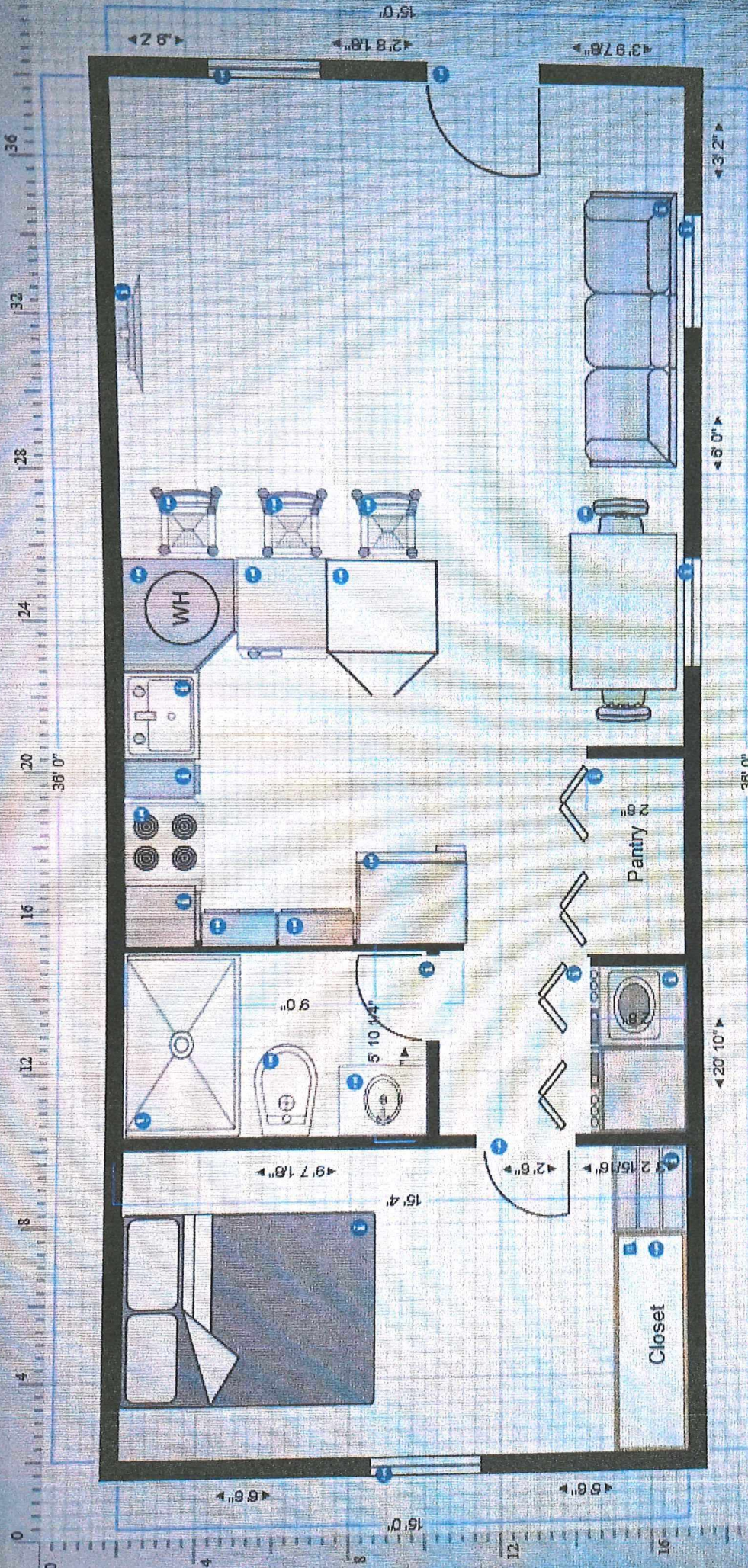
RECEIVED

SEP 04 2024

Benton County Planning Division

10' Utility easment  
30' Private rd ESMT

97702 E 162 Pr SE Kennewick, WA 99338



RECEIVED

SEP 04 2024

Benton County  
Planning Division

N ↑

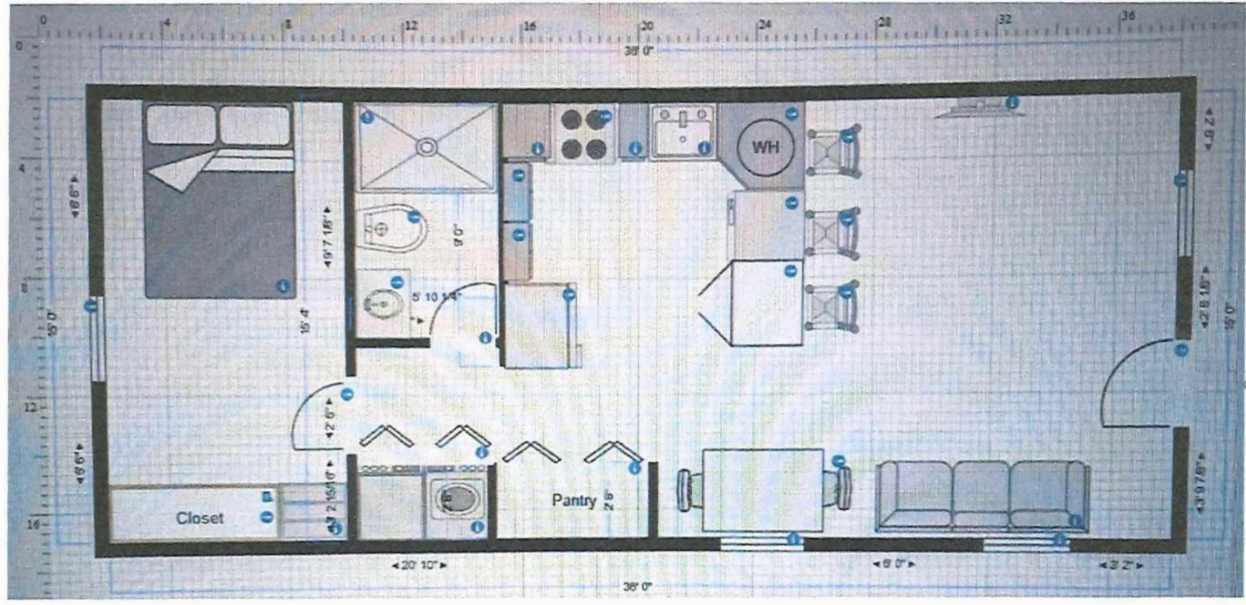
2<sup>nd</sup> floor

RECEIVED

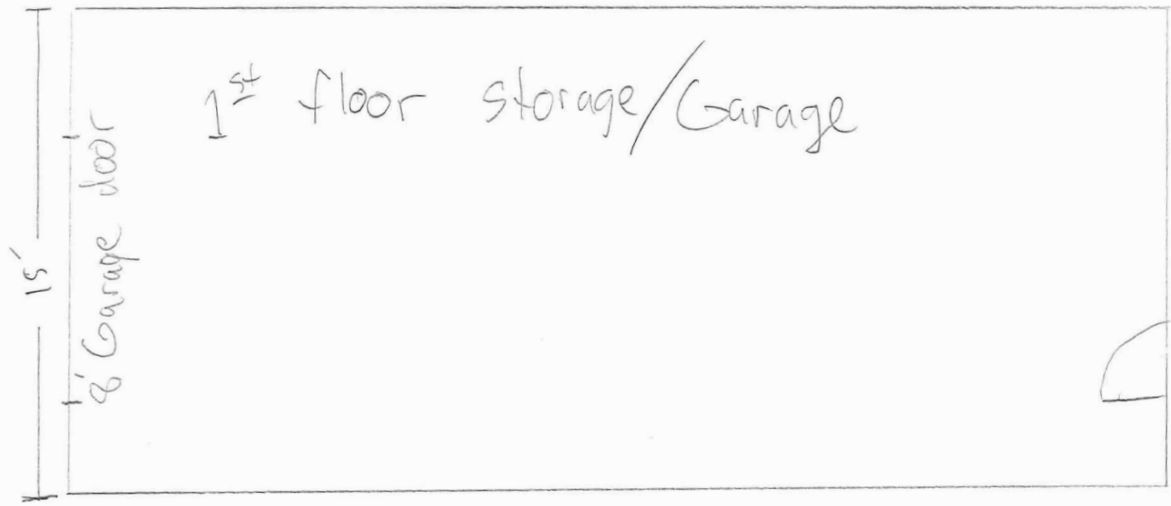
OCT 15 2024

Benton County  
Planning Division

**HEM 1.7**



Exterior door to deck & stairs



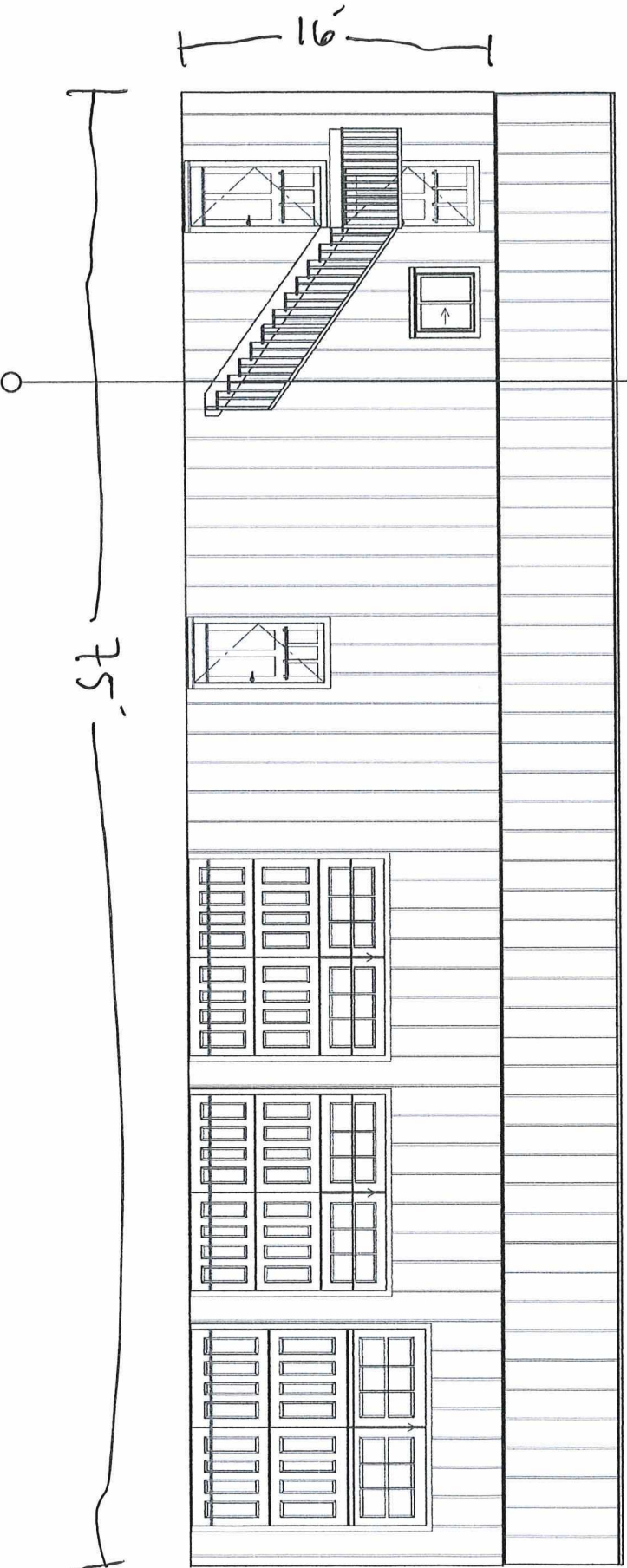
3' Exterior Door into Storage

RECEIVED

OCT 15 2024

Benton County  
Planning Division

Proposed  
addition



## 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 East Wiser Parkway, Kennewick, WA 99338

September 9, 2024

Marshall DeCoria  
97702 E 162 PR SE  
Kennewick, WA 99338

Via Email: [mardecoria@gmail.com](mailto:mardecoria@gmail.com)

RE: Written Determination of Completeness  
File Number: CUP 2024-017

Dear Mr. DeCoria,

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 2024-017) 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 blue ink that reads "Andrea Watts".

Andrea Watts, Senior 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

September 9, 2024

Benton County Public Works Department  
Benton-Franklin Health District  
Benton County Fire District #1  
Benton County Building Division  
Benton County Fire Marshal  
Benton County Code Enforcement  
Kennewick Irrigation District  
Benton PUD

**RE:** Agency review of a Conditional Use Permit application  
**File #:** CUP 2024-017  
**Parcel #:** 1-1088-401-2974-002  
**Applicant:** Marshall DeCoria

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

The applicant is proposing to construct a 540 sq. ft. accessory dwelling within a detached shop on a parcel with an existing 5,400 sq. ft. single family residence. The project is located in the Kennewick area within the Rural Lands 5 Acre District. Parcel number 1-1088-401-2974-002.

PLEASE SUBMIT YOUR COMMENTS to [Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us) by **September 23, 2024**. Please reference file number **CUP 2024-017** 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:** Cristina Woods  
**Sent:** Monday, September 9, 2024 11:47 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - CUP 2024-017 - Decoria (ADU)

Good morning

Public Works 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, September 9, 2024 11:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; scott@bentonone.org; lonnie@bentonone.org; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>  
**Subject:** Agency Review - CUP 2024-017 - Decoria (ADU)

Good Morning,

Attached you will find the necessary application materials for Marshall DeCoria who is requesting a Conditional Use Permit for a detached 540 sq. ft. accessory dwelling unit within a detached shop at the 97702 E 162 PR SE in Kennewick.

Please review and provide any comments by **Monday September 23, 2024.**

Have a wonderful week,

**Nikki Relyea**

**From:** Troy Taylor  
**Sent:** Tuesday, September 10, 2024 9:16 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - CUP 2024-017 - Decoria (ADU)

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

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, September 9, 2024 11:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; scott@bentonone.org; lonnie@bentonone.org; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>  
**Subject:** Agency Review - CUP 2024-017 - Decoria (ADU)

Good Morning,

Attached you will find the necessary application materials for Marshall DeCoria who is requesting a Conditional Use Permit for a detached 540 sq. ft. accessory dwelling unit within a detached shop at the 97702 E 162 PR SE in Kennewick.

Please review and provide any comments by **Monday September 23, 2024.**

Have a wonderful week,



[QlnlUhdhd#](#)  
[Shop l#lhfkgifbq#](#)  
[Ehqwrq#rxqwl#frp p xqlw#Ghyhosp hqw#Ghsdwp hqw#](#)  
[Sdqqlbj#Glyvlrq#](#)  
[QlnlUhdhdC frlehqwrqz dkv#](#)  
[SdqqlbjGhsdwp hqwC frlehqwrqz dkv#](#)  
+83<,# ; 908945

**Nikki Relyea**

---

**From:** Code Enforcement  
**Sent:** Wednesday, September 11, 2024 7:07 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - CUP 2024-017 - Decoria (ADU)

Nikki,

Need to reach out to them and have them reapply for their swimming pool permit that has expired prior to receiving all their inspections. The swimming pool appears to be completed and in use, violating Benton County Codes. I would like them to be in compliance prior to approving any other new permits.

The swimming pool permit is 20-34031 which expired in 2022.

Let me know what you think.



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

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, September 9, 2024 11:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; scott@bentonone.org; lonnie@bentonone.org; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>  
**Subject:** Agency Review - CUP 2024-017 - Decoria (ADU)

Good Morning,

Attached you will find the necessary application materials for Marshall DeCoria who is requesting a Conditional Use Permit for a detached 540 sq. ft. accessory dwelling unit within a detached shop at the 97702 E 162 PR SE in Kennewick.

Please review and provide any comments by **Monday September 23, 2024.**

Have a wonderful week,



2015 South Ely Street  
Kennewick, WA 99337  
Customer Service 509-586-9111  
Business 509-586-6012  
FAX 509-586-7663  
[www.kid.org](http://www.kid.org)

September 11, 2024

Nikki Relyea, Permit Technician  
**Benton County Community Development Department - Planning Division**  
102206 E Wiser Parkway  
Kennewick, WA 99338

Subject: Review Comments for CUP 2024-017 Decoria

Dear Ms. Relyea:

The Kennewick Irrigation District has received a Conditional Use Permit Application submitted by Marshall DeCoria, for a 540 square foot accessory dwelling unit within a detached shop. This project is located at 97702 E 162 PR SE, Kennewick WA, 99338.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries, but is not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.
  - a. A water allotment is not assigned to this property. Water for a new allotment is unavailable at this location.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all existing irrigation facilities.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

Daniel Tissell, P.E.  
Engineering Manager

cc: LB\correspondence\File: [SEC-T-R]  
Applicant via mail – Marshall DeCoria, 97702 E 162 PR SE, Kennewick WA, 99338

**Nikki Relyea**

---

**From:** Code Enforcement  
**Sent:** Thursday, September 12, 2024 6:18 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - CUP 2024-017 - Decoria (ADU)

The DeCoria's have reapplied for the swimming pool permit and have set up a final inspection today (September 12, 2024). They are in compliance and the code enforcement case is closed.

Code Enforcement does not have any further objections regarding the ADU application.



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

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, September 9, 2024 11:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; scott@bentonone.org; lonnie@bentonone.org; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>  
**Subject:** Agency Review - CUP 2024-017 - Decoria (ADU)

Good Morning,

Attached you will find the necessary application materials for Marshall DeCoria who is requesting a Conditional Use Permit for a detached 540 sq. ft. accessory dwelling unit within a detached shop at the 97702 E 162 PR SE in Kennewick.

Please review and provide any comments by **Monday September 23, 2024.**

Have a wonderful week,

**Nikki Relyea**

---

**From:** Chad Brooks <brooksc@bentonpud.org>  
**Sent:** Thursday, September 12, 2024 4:27 PM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: [E] Agency Review - CUP 2024-017 - Decoria (ADU)

Customer needs to provide power loads being added to determine if transformer can handle additional power loads. Will a separate power service be needed or will it be served from house/shop service?

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



---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, September 9, 2024 11:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; scott@bentonone.org; lonnie@bentonone.org; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Chad Brooks <brooksc@bentonpud.org>; Tina Glines <glinest@bentonpud.org>  
**Subject:** [E] Agency Review - CUP 2024-017 - Decoria (ADU)

[EXTERNAL EMAIL]

Good Morning,

Attached you will find the necessary application materials for Marshall DeCoria who is requesting a Conditional Use Permit for a detached 540 sq. ft. accessory dwelling unit within a detached shop at the 97702 E 162 PR SE in Kennewick.

Please review and provide any comments by ***Monday September 23, 2024.***

Have a wonderful week,

**Nikki Relyea**

---

**From:** JoDee Peyton <Jodeer@bfhd.wa.gov>  
**Sent:** Thursday, September 19, 2024 2:19 PM  
**To:** Planning Department  
**Cc:** Justin Gerber; Bridget Kelsay  
**Subject:** [EXTERNAL] RE: Agency Review - CUP 2024-017 - Decoria (ADU)

BFHD has reviewed the above CUP for Decoria, 97702 E 162 PR SE and their intent to create the addition of an ADU in the shop area. During our evaluation of the septic system for this purpose we were not informed of the intent to rent out the ADU in the shop. The use of the ADU as a rental unit causes us to have concerns about 1) the unit sharing the septic system of the home and 2) the need to develop a group B water system to provide a safe water supply to the unit.

If it is the intent of the owner to rent this ADU, BFHD would like the opportunity to re-evaluate this proposal.

Please feel free to give me a call with any questions or concerns. Thank you.

**JoDee A. Peyton, EHS III**

Supervisor

Land Use, Sewage and Water Section

**Benton-Franklin Health District**

7102 W. Okanogan Place

Kennewick, WA 99336

p: 509.460.4318

Pronouns: she/her

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

**Sent:** Monday, September 9, 2024 11:39 AM

**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; JoDee Peyton <Jodeer@bfhd.wa.gov>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; scott@bentonone.org; lonnie@bentonone.org; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>

**Subject:** Agency Review - CUP 2024-017 - Decoria (ADU)

Good Morning,

Attached you will find the necessary application materials for Marshall DeCoria who is requesting a



# HEM 1.17

## 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 **October 18, 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 2024-013** The applicant, Jose Medelez, is proposing to construct an 800 sq. ft. accessory dwelling on a parcel with an existing 3,5001 sq. ft. single family residence. The project is located at 98613 E 162 PR SE, Kennewick, WA 99338 in the Rural Lands 5 Acre District. Parcel number 1-1088-401-3043-001.

**CONDITIONAL USE PERMIT – CUP 2024-014** The applicant, Travis Hendrickson for Finley Self Storage, is proposing to expand the existing storage facility by constructing an additional 5,400 sq. ft. storage building. The project is located at 230306 E SR 297, Kennewick, WA 99337 in the General Commercial District. Parcel number 1-2680-101-0196-002.

**CONDITIONAL USE PERMIT – CUP 2024-015** The applicant, Parametrix, is proposing to replace an existing 3” gas line with a 4” 2,000 LF gas line within the County right-of-way along Bennett Road in Prosser, WA 99350. The project is located in the Urban Growth Area Residential District, between parcel numbers 1-1084-100-0013-000 and 1-1084-102-0012-000.

**CONDITIONAL USE PERMIT – CUP 2024-016** The applicant, Nivie Sizemore, is proposing to construct an 800 sq. ft. accessory dwelling within a detached shop on a parcel with an existing 2,620 sq. ft. single family residence. The project is located at 36929 N Schumacher PR NE, Benton City, WA 99320 in the Rural Lands 5 Acre District. Parcel number 1-1697-101-2723-002.

**CONDITIONAL USE PERMIT – CUP 2024-017** The applicant, Marshall DeCoria, is proposing to construct a 540 sq. ft. accessory dwelling within a detached shop on a parcel with an existing 5,400 sq. ft. single family residence. The project is located at 97702 E 162 PR SE, Kennewick, WA 99338 in the Rural Lands 5 Acre District. Parcel number 1-1088-401-2974-002.

Anyone may participate in the hearings and present testimony or comments on an application. Persons may appear in person or virtually/telephonically during the hearing or provide written testimony to the Hearings Examiner on or before **October 15, 2024**. Written comments can be emailed to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us), mailed to or dropped off at the Planning Division office at the Public Services Building, 102206 E Wisser 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](mailto:planning.department@co.benton.wa.us).

Dated this 25th day of September, 2024.

PUBLICATION DATE: October 2, 2024

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager  
Community Development Department