

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 1.1

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

FILE NO: CUP 2024-019
MEMO DATE: October 21, 2024
HEARING DATE: November 15, 2024
APPLICANT/ OWNER: Elizabeth Schultz
34816 S Hawks Tree PR SE, Kennewick, WA 99337

LOCATION: General Location: The property is located in the Kennewick area of unincorporated Benton County, approximately 0.8 miles northwest of the intersection of Game Farm Rd and S. Oak St.
Address: 34816 S Hawks Tree PR SE, Kennewick, WA 99337
Legal: Lot 1 of Short Plat 2780
Parcel Number: 119803012780001

PROPERTY SIZE: Approximately 5.00 Acres
AREA TO BE USED: Not to exceed 800 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-two (22) Findings of Fact and five (5) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is proposing to convert an existing 1,500 square foot apartment into an 800 square foot accessory dwelling unit (ADU) for her to reside in, while family members will reside in the existing 3,190 square foot primary single-family dwelling (SFD). The ADU is located within an

existing 4,000 square foot shop building.

The existing 1,500 square foot apartment was originally permitted by the previous property owner as a temporary dwelling in 2009, to be utilized as a temporary residence while the 3,190 square foot SFD was being constructed. Per the Temporary Dwelling Permit (TD 09-09) obtained by the previous landowner, the apartment was to be removed within 30 days of the completion of the new primary residence for the property.

Through a Code Enforcement investigation, it was discovered that the apartment was still in use. The applicant wishes to retain the apartment by obtaining a Conditional Use Permit (CUP) and bringing the structure into compliance with current ADU regulations.

The property is approximately 5.00 acres in size and is located within the Rural Lands Five Acre Zoning District.

The application for CUP 2024-019 (HEM 1.3) was submitted to the Benton County Planning Division on October 3, 2024.

The application was declared complete for processing on October 4, 2024. (HEM 1.5)

The application documents were distributed to reviewing agencies on October 4, 2024. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2024-019 was published on October 30, 2024 in the Prosser Record Bulletin. (HEM 1.12)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on October 25, 2024.

The Open Record Hearing is scheduled for November 15, 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 October 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
 - i. City of Kennewick
2. The following comments were received from Kennewick Irrigation District on October 11, 2024 (HEM 1.9):
 - a. This parcel is within the Kennewick Irrigation District (KID) boundaries and is considered irrigable lands; therefore, the Kennewick Irrigation District assesses them.
 - b. A KID service connection is available. Contact KID for more information.
 - c. Please note that permanent structures are not allowed within irrigation easements.
 - d. Please protect all existing irrigation facilities.
 - e. For more information, please contact Dan Tissell, P.E., KID at (509) 582-9111.
3. The following comments were received from the Benton County Building Division on October 7, 2024 (HEM 1.8):
 - a. The building must comply with all current Benton County Building and Fire Codes.
 - b. For more information, please contact the Benton County Building Division at (509)735-3500.
4. The following comments were received from the Benton Franklin Health Department on October 24, 2024 (HEM 1.11):

- a. As the proposed ADU has its own septic system, separate from that of the main house, we do not have an issue with making it smaller in square footage and reducing the number of bedrooms.
- b. No existing system evaluation will be needed.
- c. For more information, please contact JoDee Peyton, Benton Franklin Health Department at (509) 460-4318.

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 2024-019 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 convert an existing 1,500 square foot apartment into an 800 square foot detached accessory dwelling unit (ADU) located at 34816 S Hawks Tree PR SE, Kennewick, WA 99337.
2. The applicant/owner is Elizabeth Schultz, 34816 S Hawks Tree PR SE, Kennewick, WA 99337.
3. The property is approximately 5.00 acres in size and is zoned Rural Lands Five Acre District.
4. The property is located within the Kennewick area of unincorporated Benton County, approximately 0.8 miles northwest of the intersection of Game Farm Rd and S. Oak St. (Parcel 119803012780001).
5. The ADU is proposed to be located west of the existing 3,190 square foot primary single-family dwelling.
6. The ADU will be used as the property owner's residence while the primary residence will be used for her family members.
7. The conditional use permit (CUP 2024-019) 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.
8. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.

9. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
10. The detached ADU complies with Benton County Building Division standards and requirements.
11. The application for CUP 2024-019 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
12. The application for CUP 2024-019 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
13. The application for CUP 2024-019 is consistent with the goals and policies of the Benton County Comprehensive Plan.
14. The application for CUP 2024-019 is consistent with the requirements of the Benton County Zoning Code.
15. The application for CUP 2024-019 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 3,190 square feet. Forty percent (40%) of 3,190 square feet is 1,276 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 convert an existing 1,500 square foot apartment into 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.
16. The application for CUP 2024-019 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be located within a standalone structure.

17. The application for CUP 2024-019 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
 - a. The proposed ADU is located west of the existing single-family dwelling.
 - b. The door layout of the structure is adequate for its location and situation, subject to compliance with the Findings of Fact and Conditions of Approval.
18. The proposed detached ADU is compatible with other uses in the surrounding area and is no more incompatible than any other outright permitted uses in the applicable zoning district.
19. The proposed detached ADU will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district.
20. The pedestrian and vehicular traffic caused by the proposed detached ADU will not conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district.
21. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.
22. The proposed detached ADU will not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

SUGGESTED CONDITIONS OF APPROVAL:

1. The activities on the site shall comply with the submitted site plan and materials submitted for this application.
2. 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 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.

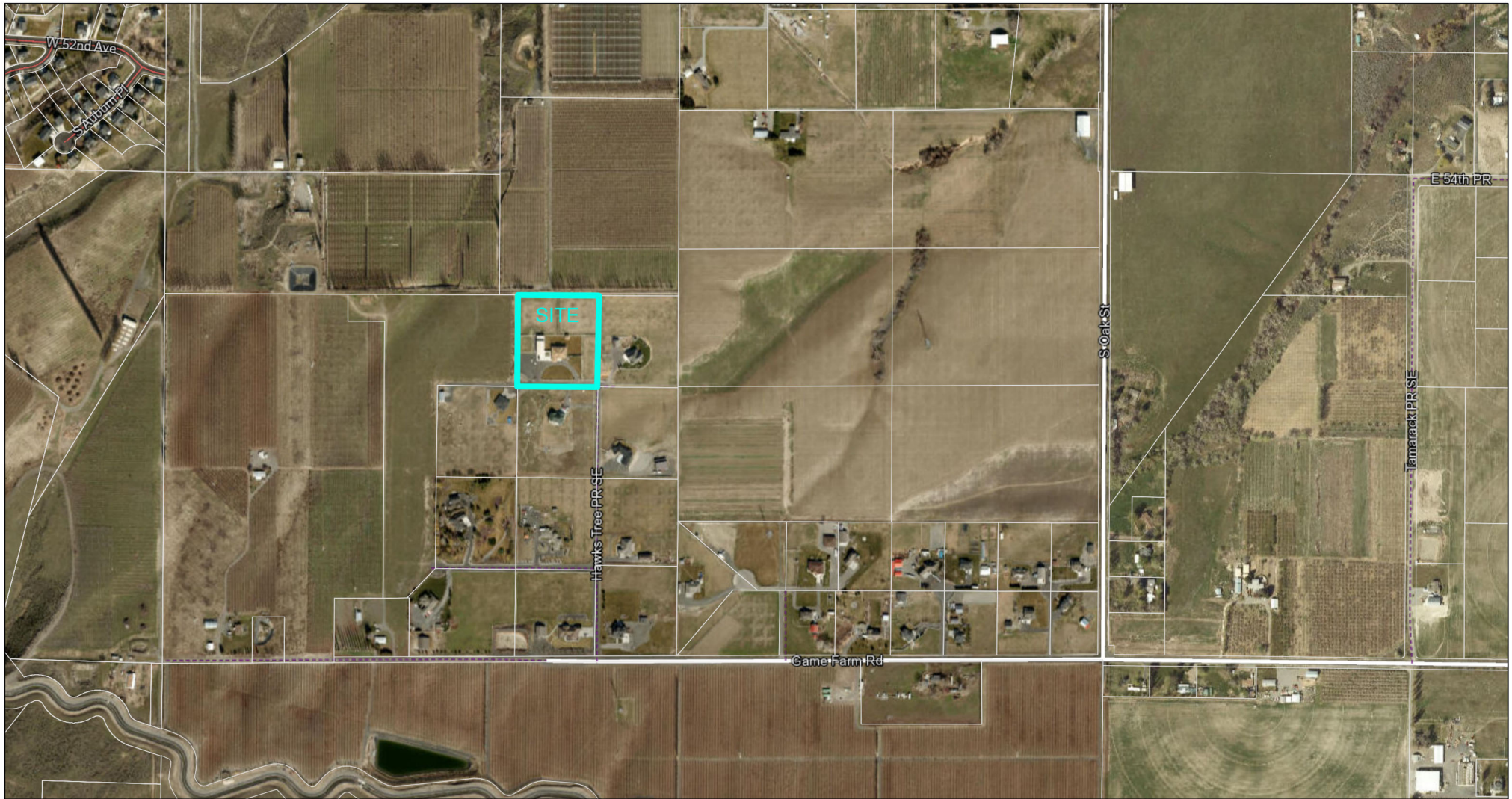
VIOLATIONS OF CONDITIONS OF APPROVAL:

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2024-019 is in effect.

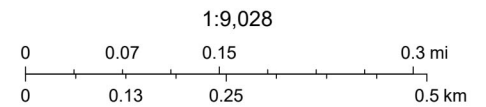
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with 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.

CUP 2024-019 - Schultz - Vicinity Map

HEM 1.2



10/4/2024, 8:44:10 AM



Geophex Surveys Ltd., Maxar

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



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

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OCT 03 2024

Benton County Planning Division

CONDITIONAL USE PERMIT APPLICATION

File No. CWP 2024-019

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Elizabeth A Schultz

Mailing Address (with City, State & zip): 34816 S Hawks Tree PR SE Kennewick, WA 99337

Phone #1: 509-531-1930 Phone #2: _____

Email Address(es): elischi@icloud.com

Signature: Elizabeth A Schultz Date: 6-27-2024

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): 34816 S Hawks Tree Pr SE Kennewick
- 2. Parcel number(s): 1-1980-301-2780-001
- 3. Total Acreage: 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: Service thru gas tank
 - Irrigation: No
 - Yes Provider name: KID
- 6. Current use(s) on property: residential
- 7. What are you proposing to do that requires a Conditional Use Permit? ADU

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

8. Additional comments or information: _____

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

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

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Planning Department

(509) 786-5612
P.O. Box 910
Prosser, WA 99350



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Kennewick Office: 102206 East Wiser Parkway

CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

File No. _____

Applicant Name: _____

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? 3190
4. What is the square footage of the proposed accessory dwelling unit? 800
5. How many bedrooms will be in the Accessory Dwelling Unit? 1
6. Does the landowner currently have any other land use permits? none

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

Property owner. Family lives in main dwelling.

Please provide a site plan that includes the following:

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

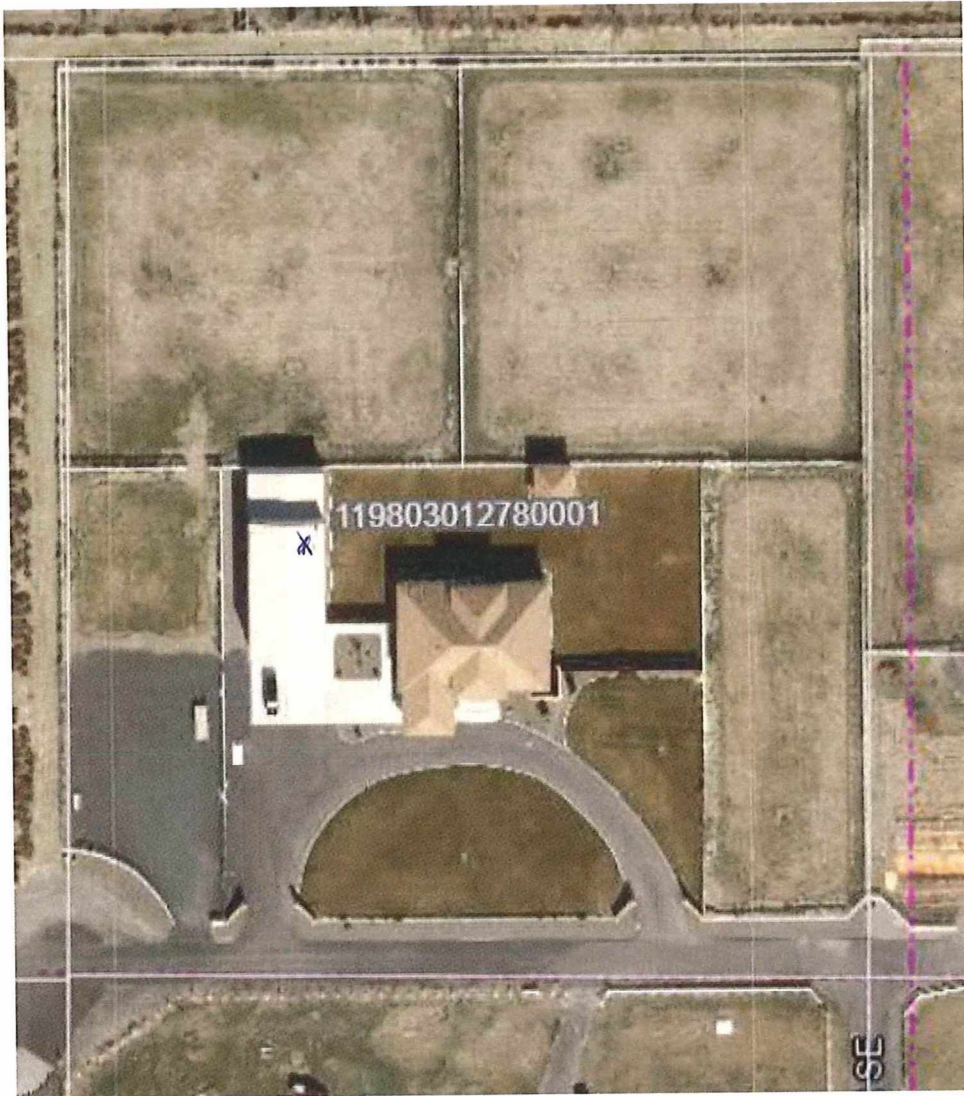
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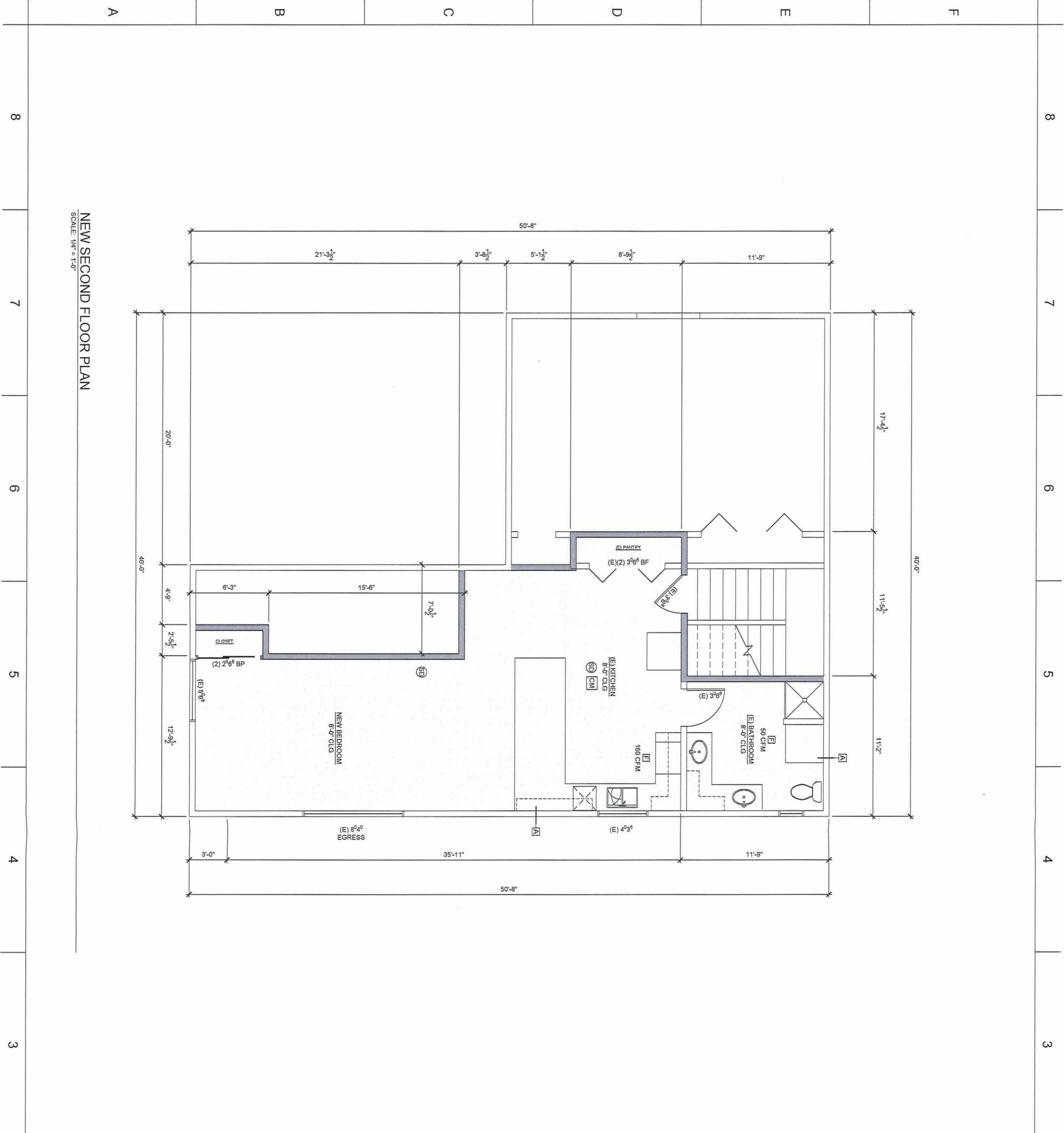
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OCT 03 2024

Benton County
Planning Division

HEM 1.4





NEW SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

- FLOOR PLAN NOTES:**
1. SEE GENERAL NOTES ON SHEET G1.1.
 2. CRAWLSPACE ACCESS OPENING SHALL NOT BE SMALLER THAN 18"X24".
 3. THE ROUGH FRAMED OPENING FOR ATTIC ACCESS SHALL NOT BE LESS THAN 22"X30".

FLOOR PLAN LEGEND:

ITEM	DESCRIPTION
	2x STUD WALL, SEE WALL TYPES
	EXISTING WALL, SEE WALL TYPES
	EXHAUST FAN, CFM PER IRC REQUIREMENTS
	SMOKE DETECTOR / CARBON MONOXIDE
	HEAT DETECTOR
	WALL TYPES

ADU SQ FT TABLE	
EXISTING SQ FT	1,500 SF
NEW ADU SQ FT	800 SF

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 Benton County
 Planning Division

PROJECT TEAM		
DRAFTER	M OLIN	09/09/2024
DRAFT CHK	D GARZA	09/09/2024
ENGINEER	—	—
ENG CHK	K EMORY	09/09/2024
SHEET SIZE	22"X34"	REV # 1

DESIGNER:

TRI-CITY ENGINEERS
 3801 W VAN GIESEN ST
 WEST RICHLAND, WA 99353
 509-210-1010

OWNER/PROJECT LOCATION:
 ELIZBETH SCHULTZ
 34816 S HAWKS TREE PR
 KENNEWICK, WA, 99337

SHEET TITLE:
 NEW MAIN FLOOR PLAN



PROJECT: 1793
 SHEET: A1.2

DATE: 9/12/2024, 3:51:57 pm

FOR THE RECORD, USE OF THESE PLANS WITHOUT EXPLICIT PERMISSION MAY SUBJECT THE USER TO LIABILITY UNDER WASHINGTON AND FEDERAL LAW. THE ENGINEER HAS REVIEWED AND GIVEN CONSENTIVE USE OF THESE PLANS.

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 East Wiser Parkway, Kennewick, WA 99338

HEM 1.5

October 4, 2024

Elizabeth Schultz
34816 S Hawks Tree PR SE
Kennewick, WA 99337

Via Email: Elisch1@icloud.com

RE: Written Determination of Completeness
File Number: CUP 2024-019

Dear Elizabeth,

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 2024-019) and the review process will now begin.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Koerner".

Liz 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

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102206 E Wiser Parkway, Kennewick, WA 99338

HEM 1.6

October 4, 2024

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

RE: Agency review of a Conditional Use Permit application
File #: CUP 2024-019
Parcel #: 1-1980-301-2780-001
Applicant: Elizabeth Schultz

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

The applicant is proposing to convert an existing apartment into an 800 sq. ft. detached accessory dwelling unit within an existing shop on a parcel with an existing 3,190 sq. ft. single family residence. The project is located in the Kennewick area within the Rural Lands 5 Acre District. Parcel number 1-1980-301-2780-001.

PLEASE SUBMIT YOUR COMMENTS to Planning.department@co.benton.wa.us by **October 18, 2024**. Please reference file number **CUP 2024-019** 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: Elizabeth Koerner
Sent: Friday, October 4, 2024 4:47 PM
To: jodeer@bfhd.wa.gov
Cc: Planning Department
Subject: RE: Agency Review - CUP 2024-019 - Schultz

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jodee,
I just want to double check on this since it is a little unique. I had worked with Cristian on this awhile back. This is an existing apartment that had received previous permitting to be a temporary dwelling prior to the allowances of ADU's but now they would like to get it permitted as an ADU. Per previous conversations from Cristian it was my understanding that both the existing apartment (proposed ADU) had permitted existing septic systems for both it and the main home. I know the applicant had also spoke with Cristian about this (but this communication took place several months ago.). I am happy to direct her over to you guys to apply and have everything evaluated... I guess we were just under the impression it was not necessary because of the previous communication. Just wanted to double check.

Thank You,



Liz Koerner

Associate Planner

Benton County Community Development Department - Planning Division

102206 E. Wiser Parkway

Kennewick, WA 99338

Liz.Koerner@co.benton.wa.us

(509) 786-5612

From: JoDee Peyton <Jodeer@bfhd.wa.gov>

Sent: Friday, October 4, 2024 4:20 PM

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

Cc: Bridget Kelsay <Bridget.Kelsay@bfhd.wa.gov>

Subject: [EXTERNAL] RE: Agency Review - CUP 2024-019 - Schultz

The Benton-Franklin Health District does not have an application to review the septic system for the project and can only deny it at this time.

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

www.bfhd.wa.gov jodeer@bfhd.wa.gov



Follow us on   

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

Sent: Friday, October 4, 2024 3:33 PM

To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; scott@bentonone.org; lonnie@bentonone.org; Brad O'Brien

<Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement

<code.enforcement@co.benton.wa.us>; JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard

<jack.howard@bfhd.wa.gov>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; engservice@bentonpud.org; City of

Kennewick - CEDInfo <cedinfo@ci.kennewick.wa.us>; Kennewick Irrigation District - Application and SEPA Review

(<development@kid.org> <development@kid.org>

Subject: Agency Review - CUP 2024-019 - Schultz

Good afternoon,

Attached you will find the necessary application materials for Elizabeth Schultz, who is requesting to

Nikki Relyea

From: Troy Taylor
Sent: Monday, October 7, 2024 10:13 AM
To: Planning Department
Subject: RE: Agency Review - CUP 2024-019 - Schultz

HEM 1.8

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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, October 4, 2024 3:33 PM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; scott@bentonone.org; lonnie@bentonone.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@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; engservice@bentonpud.org; City of Kennewick - CEDInfo <cedinfo@ci.kennewick.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>
Subject: Agency Review - CUP 2024-019 - Schultz

Good afternoon,

Attached you will find the necessary application materials for Elizabeth Schultz, who is requesting to convert an existing apartment within a shop into an 800 sq. ft. accessory dwelling unit at 34816 S Hawks Tree PR SE, Kennewick, WA 99337.

Please review and provide any comments by **October 18, 2024.**

Have a wonderful weekend,

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





2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

October 11, 2024

HEM 1.9

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

Subject: Review Comments for CUP 2024-019 - Schultz

Dear Ms. Relyea:

The Kennewick Irrigation District has received a Conditional Use Permit submitted by Elizabeth Schultz, to convert an existing apartment within a shop into an 800 square foot accessory dwelling unit. The project is located at 34816 S Hawks Tree PR SE, Kennewick, WA 99337.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries and is considered irrigable lands; therefore, the Kennewick Irrigation District assesses them.
 - a. A KID service connection is available. Contact KID for more information.
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 19-8-30
Applicant via mail – Elizabeth Schultz, 34816 S Hawks Tree PR SE, Kennewick, WA 99337

Nikki Relyea

From: Cristina Woods
Sent: Tuesday, October 15, 2024 12:01 PM
To: Planning Department
Subject: RE: Agency Review - CUP 2024-019 - Schultz

HEM 1.10

Good afternoon

Benton County 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: Friday, October 4, 2024 3:33 PM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; scott@bentonone.org; lonnie@bentonone.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@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; engservice@bentonpud.org; City of Kennewick - CEDInfo <cedinfo@ci.kennewick.wa.us>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>
Subject: Agency Review - CUP 2024-019 - Schultz

Good afternoon,

Attached you will find the necessary application materials for Elizabeth Schultz, who is requesting to convert an existing apartment within a shop into an 800 sq. ft. accessory dwelling unit at 34816 S Hawks Tree PR SE, Kennewick, WA 99337.

Please review and provide any comments by **October 18, 2024.**

Have a wonderful weekend,

Nikki Relyea

HEM 1.11

From: JoDee Peyton <Jodeer@bfhd.wa.gov>
Sent: Thursday, October 24, 2024 1:33 PM
To: Elizabeth Koerner
Cc: Planning Department; elisch1@icloud.com; Bridget Kelsay; Cristian Gonzalez
Subject: [EXTERNAL] RE: Agency Review - CUP 2024-019 - Schultz

Good afternoon Liz,

I just spoke with Elizabeth Schultz about this application. As the proposed ADU has its own septic system, separate from that of the main house, we do not have an issue with making it smaller in square footage and reducing the number of bedrooms. No existing system evaluation will be needed.

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

www.bfhd.wa.gov jodeer@bfhd.wa.gov



Follow us on   

From: Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>
Sent: Friday, October 4, 2024 4:47 PM
To: JoDee Peyton <Jodeer@bfhd.wa.gov>
Cc: Planning Department <Planning.Department@co.benton.wa.us>
Subject: RE: Agency Review - CUP 2024-019 - Schultz

You don't often get email from liz.koerner@co.benton.wa.us. [Learn why this is important](#)

Hi Jodee,

I just want to double check on this since it is a little unique. I had worked with Cristian on this awhile back. This is an existing apartment that had received previous permitting to be a temporary dwelling prior to the allowances of ADU's but now they would like to get it permitted as an ADU. Per previous conversations from Cristian it was my understanding that both the existing apartment (proposed ADU) had permitted existing septic systems for both it and the main home. I know the applicant had also spoke with Cristian about this (but this communication took place several months ago.). I am happy to direct her over to you guys to apply and have everything evaluated... I guess we were just under the impression it was not necessary because of the previous communication. Just wanted to double check.



HEM 1.12

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 **November 15, 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 2024-018 The applicant, Urban Range on behalf of Craig Barney, is proposing to construct a 773 sq. ft. accessory dwelling on a parcel with an existing 4,549 sq. ft. single family residence. The project is located at 88512 Badger View Dr, Kennewick, WA 99338 in the Rural Lands 1 Acre District. Parcel number 1-0988-102-0000-019.

CONDITIONAL USE PERMIT – CUP 2024-019 The applicant, Elizabeth Schultz, is proposing to convert an existing apartment into an 800 sq. ft. detached accessory dwelling unit within a shop on a parcel with a 3,190 sq. ft. single family residence. The project is located at 34816 S Hawks Tree PR SE, Kennewick, WA 99337 in the Rural Lands 5 Acre District. Parcel number 1-1980-301-2780-001.

CONDITIONAL USE PERMIT – CUP 2024-020 The applicants, Keith and Betty Jo Hughes, are proposing to convert an existing 696 sq. ft. apartment within an existing shop into a detached accessory dwelling on a parcel with a newly constructed 4,000 sq. ft. single family residence. The project is located at 113706 N Harrington Road PR NE, West Richland, WA 99353 in the Rural Lands 5 Acre District. Parcel number 1-0307-301-1763-007.

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 **November 12, 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 25th day of October, 2024.

PUBLICATION DATE: October 30, 2024

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department