

**EXHIBIT LIST FOR CUP 2024-008  
MATTHEW WADDELL - NULL AND VOID REQUEST**

<b>Hearings Examiner Staff Memo Exhibit List - June 20, 2025</b>		
HEM 1.1	Staff Memo	June 11, 2025
HEM 1.2	Original Application	March 18, 2024
HEM 1.3	Applicant possible withdraw	March 22, 2024
HEM 1.4	Hearings Examiner Decision	May 30, 2024
HEM 1.5	60 day notice of expiration	March 25, 2025
HEM 1.6	30 day notice of expiration	May 5, 2025
<b>Exhibits Submitted <span style="color: red;">During Hearing</span> or while record remained open</b>		
HEH 1.1		
HEH 1.2		
HEH 1.3		
HEH 1.4		
HEH 1.5		
HEH 1.6		
HEH 1.7		
HEH 1.8		
HEH 1.9		
HEH 1.10		



**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Matthew Waddell  
Null and Void Request**

# HEM 1.1

**FILE NO:** CUP 2024-008

**MEMO DATE:** June 11, 2025

**HEARING DATE:** June 20, 2025

**APPLICANT/ OWNER:** Matthew Waddell, 626 N Riverside Dr, West Richland, WA 99353

**LOCATION:** General Location: The property is located in the West Richland area of unincorporated Benton County approximately 0.38 miles east of the intersection of 35<sup>th</sup> Ave and Riverside Drive.

**PROPERTY SIZE:** Approximately 0.92 Acres

**LAND USE:** Residential

**ZONING:** Rural Lands One Acre District (RL1)

**COMPREHENSIVE PLAN DESIGNATION:** Rural Transition

**SPECIFIC REQUEST**

The applicant Mathew Waddel applied for a Conditional Use Permit (CUP) to construct a 614 square foot detached accessory dwelling unit on March 18, 2024. After the application declared complete and sent to agencies for review the applicant attempted to withdraw the application on March 22, 2024, but after discussions with Planning staff decided to continue the review process for CUP 2024-008.

A public hearing was held on May 17, 2024 for CUP 2024-008 and subsequently the application was approved with conditions by the Benton County Hearings Examiner on May 30, 2024.

Upon the decision of approval being issued the Planning Division has not received any communication from the applicant. Notices of Expiration were sent to the applicant on March 25, 2025 and May 5, 2025 with no response.

**FINDINGS OF FACT**

1. The application for CUP 2024-008 was submitted to the Benton County Planning Division on March 18, 2024 (HEM 1.2).
2. After CUP 2024-008 was declared complete and sent to agencies for review the applicant attempted to withdraw the application on March 22, 2024, but after discussions with Planning staff decided to continue the review process (HEM 1.3).
3. A public hearing was held on May 17, 2024 for CUP 2024-008 and subsequently the application was approved by the Benton County Hearings Examiner on May 30, 2024 (HEM 1.4).
4. On March 25, 2025 and May 5, 2025 Notices of Expiration were sent to the applicant (HEM 1.5)

and HEM 1.6).

5. As of the date of this memo the Benton County Planning Division has not received any communication or response from the applicant.

**RECOMMENDATION**

The Planning Division recommends approval of the null and void request for CUP 2024-008.

Community Development Department  
Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



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

RECEIVED

### CONDITIONAL USE PERMIT APPLICATION

File No. INP 2024-008

MAR 18 2024

Benton County  
Planning Division

# HEM 1.2

#### APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Matthew Waddell

Mailing Address (with City, State & zip): 626 N. Riverside dr. West Richland WA 99353

Phone #1: 509-405-9946 Phone #2: \_\_\_\_\_

Email Address(es): Matt\_Waddell@outlook.com

Signature: [Signature] Date: \_\_\_\_\_

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): 626 N Riverside Dr. West Richland

2. Parcel number(s): 1 0498 200 0017 000

3. Total Acreage: .92

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: Columbia Irrigation District

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

7. What are you proposing to do that requires a Conditional Use Permit? ADU inside of a shop

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

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

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

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

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



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

RECEIVED

MAR 18 2024

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

Applicant Name: Matthew Waddell

Benton County  
Planning Division

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? 1536
4. What is the square footage of the proposed Accessory Dwelling Unit? 614
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:

To house my aging parents

**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.

## Nikki Relyea

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**From:** Matt Waddell <Matt\_waddell@outlook.com>  
**Sent:** Friday, March 22, 2024 10:57 AM  
**To:** Planning Department  
**Subject:** [EXTERNAL] Re: Letter of Completeness for Conditional Use Permit (CUP 2024-008)

# HEM 1.3

I see  
Yeah sure we can do it that way  
Thank you

Matt Waddell  
5094059946

On Mar 22, 2024, at 10:54 AM, Planning Department <Planning.Department@co.benton.wa.us> wrote:

Thank you Matt,

I'm sorry to hear you are withdrawing your application. Since we do have it out for Agency Review (until April 5, 2024), and the application fee is non refundable, would you like us to continue with the agency review period and reach out to you when it's over to see if you've changed your mind? If you have we can keep going at that point, and if you have not we can withdraw it, or we can withdraw it today it is up to you.

<image002.png> **Nikki Relyea**  
*Permit Technician*  
Benton County Community Development Department  
Planning Division  
[Nikki.Relyea@co.benton.wa.us](mailto:Nikki.Relyea@co.benton.wa.us)  
[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)  
(509) 786-5612

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**From:** Matt Waddell <Matt\_waddell@outlook.com>  
**Sent:** Friday, March 22, 2024 10:46 AM  
**To:** Planning Department <Planning.Department@co.benton.wa.us>  
**Subject:** [EXTERNAL] Re: Letter of Completeness for Conditional Use Permit (CUP 2024-008)

Hello and good morning, I have decided to withdraw my application for a CUP. Thank you

Matt Waddell  
5094059946

**BENTON COUNTY HEARINGS EXAMINER  
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**ADU CUP 2024-008 (Waddell)  
May 30, 2024**

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**1. FINDINGS OF FACT**

**1.1 Proposal.** Proposal to construct 614 square foot detached Accessory Dwelling Unit (ADU). The ADU will be within a proposed 3,760 square foot accessory building (shop) to the south of the existing primary single-family dwelling, which is 1,536 square feet.

- **Applicant/Owner:** Matthew Waddell, 626 N Riverside Dr., West Richland, WA 99353.
- **Location:** 626 N Riverside Dr., West Richland, WA 99353. Parcel 104982000017000.

**1.2 Administrative Record.** The Hearings Examiner admitted these exhibits:

Exhibit Number	Description	Date
<b>Hearings Examiner Staff Memo Exhibits</b>		
HEM 1.1	Staff Memo	5/6/24
HEM 1.2	Vicinity Map	3/18/24
HEM 1.3	Application	3/18/24
HEM 1.4	Site Plan	3/18/24
HEM 1.5	Written Determination of Completeness	3/22/24
HEM 1.6	Agency Review Request	3/22/24
HEM 1.7	Benton County Rural Water, Comment	3/25/24
HEM 1.8	Benton County Building Division, Comment	3/26/24
HEM 1.9	Benton County Public Works, Comment	3/26/24
HEM 1.10	Code Enforcement, Comment	3/28/24
HEM 1.11	Benton County Fire Marshall, Comment	4/2/24
HEM 1.12	Notice of Open Record Hearings	5/1/24

**1.3 Public Notice.** Notice for the Benton County Hearings Examiner Open Record Hearing was published and mailed to property owners of record within 300 feet.<sup>1</sup> No concerns on notice were raised. Public notice complied with code requirements.

**1.4 Hearing.** The Hearings Examiner considered the Applicant’s request at an open record public hearing on May 17, 2024. The hearing was conducted both in person and remotely. For remote participation, access information was available to the public to allow citizens to join via a video link or telephone call-in. At the hearing, the Benton County Community Development

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<sup>1</sup> HEM 1.1 (Staff Report), pp. 2 and 5; HEM 1.12; BCC 11.50.050.

Department, Planning Division, through Ms. Watts, summarized the proposal. The Applicant did not appear. No citizens expressed a desire to comment.

**1.5 Site and Surrounding Zoning and Use.** The .92-acre site is zoned Rural Lands One Acre District (RL-1) with a Rural Transition Comprehensive Plan designation. Surrounding land uses are predominantly single-family homes with residential accessory and agricultural uses.

**1.6 SEPA.** The ADU is exempt.<sup>2</sup>

**1.7 Agency Comment.** The proposal was circulated within the County, and as long as all code requirements and conditions can be met, there were no objections to approval.<sup>3</sup> The Benton County Fire Marshall stated the ADU “will have to meet requirements for Fire Apparatus access,” referencing BCC 3.18.045.<sup>4</sup> The Benton County Rural Water Supply Program stated the parcel is within the Rural Water Supply Program area, so the Applicant must “obtain a mitigation certificate” for the ADU with the building permit.<sup>5</sup> The Benton County Building Division noted the structure must comply with building and fire codes.<sup>6</sup>

**1.8 Public Comment.** No public comment was submitted

**1.9 Transportation Impacts.** The ADU will not generate significant traffic impacts. Site access is adequate and with two parking spaces provided for the ADU, parking is sufficient.

**1.10 Permitted Uses.** Given its orientation, scope, and location on the property, the proposed use would not hinder or discourage the development of permitted uses on neighboring properties based on use location, size, or height.

**1.11 Health, Safety and Welfare.** As long as code requirements are met, the 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 zoning district.

**1.12 Staff Report and Proposed Conditions.** The Staff Report details ADU consistency with County requirements and the Comprehensive Plan and is incorporated as supplemental findings. The Staff Report’s proposed conditions ensure code compliance and are necessary to support Decision findings, and should be imposed without substantive revision.

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<sup>2</sup> BCC 6.35.050 and .055.

<sup>3</sup> HEM 1.1 (Staff Report), p. 6; HEM 1.7-HEM 1.12.

<sup>4</sup> HEM 1.11.

<sup>5</sup> HEM 1.7.

<sup>6</sup> HEM 1.8.

## 2. CONCLUSIONS OF LAW

### 2.1 ADU Requirements.

**2.1.1** The Hearings Examiner has jurisdiction over this ADU CUP, which may be granted only if County ADU criteria are met.<sup>7</sup> The County's Comprehensive Plan supports ADUs as a source of affordable housing and provides for a variety of residential types to further support affordability objectives.<sup>8</sup> County regulations implement the Plan, requiring ADUs to meet certain requirements. These requirements are met.

**2.1.2 ADU Specific Requirements.** The one-bedroom ADU meets the requirements at BCC 11.42.020(a)(1-16). The ADU is proposed for a lot which will also have one single-family dwelling. The 614-square foot ADU does not exceed the smaller of 800 square feet or 40% of the total square footage of the single-family home.<sup>9</sup> The ADU will not have more than one bedroom, and two off-street parking spaces will serve the ADU. The ADU will be constructed on site and permanently affixed to the ground by footings and foundation. No duplex or multi-family units are on the site, and the ADU will not be a home occupation. The ADU or single-family home will be the landowner's primary residence, with residency for at least six months per year.

The use must comply with Benton-Franklin Health District and Benton County Fire Marshal access requirements. Building, fire, and zoning code requirements must be complied with. Condition 4 ensures BCC 11.42.020(d)'s prohibition on ADU sale apart from the parcel absent future legal subdivision is met. The ADU entry and layout is compatible with the setting, consistent with BCC 11.42.020(c). All ADU specific requirements are met.

### 2.2 CUP Requirements.

**2.2.1** The ADU requires a CUP.<sup>10</sup> Procedures and criteria for reviewing a CUP, and requiring Hearings Examiner approval, are at BCC 11.50.040 and .050. A CUP is only granted if the evidence allows the Examiner to find that the 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

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<sup>7</sup> BCC 11.42.020; BCC 11.50.040.

<sup>8</sup> Benton County Comprehensive Plan, § 2.7 Housing, including HE Goal 1 and Policy 7.

<sup>9</sup> The home is 1,536 square feet. 40% of that is 614 square feet.

<sup>10</sup> BCC 11.42.020(c)(1).

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.<sup>11</sup>

"It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made."<sup>12</sup>

**2.2.2** The proposed use follows these criteria. The ADU does not create incompatibilities with other uses in the surrounding area. Uses similar to the proposed accessory residential use surround the site. Outright permitted uses would not be as incompatible with existing uses in the surrounding area as the proposed use.

**2.2.3** The requested CUP would 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. Health code and building code compliance is required. These provisions ensure that basic health and safety issues are adequately addressed.

**2.2.4** Granting the CUP 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. Impacts are limited and are consistent with the nature of surrounding uses.

**2.2.5** The CUP would be supported by adequate service facilities and would not adversely affect public services to the surrounding area. Compliance with all Benton-Franklin Health District requirements is a required condition to ensure health code requirements are adequately addressed. Compliance with the Rural Water Supply Program mitigates water supply impacts.

**2.2.6** Granting the CUP would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district to an extent greater than other permitted uses in the zoning district.

**2.2.7** The Applicant has demonstrated CUP criteria compliance. As conditioned, the use is compatible with the principal uses and purpose of the zoning district and surrounding land uses and should be approved.

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<sup>11</sup> BCC 11.50.040(d).

<sup>12</sup> *Id.*

## **DECISION**

The Hearings Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested CUP for an ADU, provided these conditions are met:

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 the 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 CUP issuance. The recording fee shall be paid by the applicant. The document will include a statement that the ADU may not be sold as a separate residence until such time as the ADU is located as the sole residence on a legally subdivided parcel.
5. All required development permits shall be obtained prior to occupancy of the ADU. This includes approval of permits required by the following, as applicable:
  - a. Benton County Building Division.
  - b. Benton County Fire Marshal; for fire and safety regulations.
  - c. Benton Franklin Health District.
  - d. Benton County Public Works Department; for road approach permits.
  - e. Benton County Rural Water Supply Program.
  - f. Benton County Planning Division.

### **Time to Complete Conditions of Approval**

The Applicant shall have one year to meet all the Conditions of Approval. If all conditions of approval have not been met and the Planning Division does not issue the CUP within one (1) year from the time the Hearings Examiner conditionally approved the CUP, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Before doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days before the upcoming Hearings Examiner meeting.

### **Transferability**

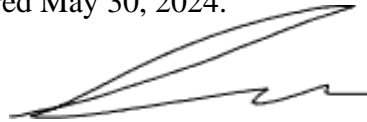
This CUP is transferable by the holder. Should the legal landowner of the parcel change at any time during the life of this CUP the new property owner must provide their written request to the Planning Division for the continuation or termination of the CUP. Should a new applicant wish to continue operating the CUP, the new applicant must update the CUP application, accept the Conditions of Approval in writing, submit written consent from the legal landowner (if different from the applicant) and be approved by the Planning Manager before permit transfer is allowed.

### **Violations of Conditions of Approval**

The Applicant shall continue to meet all CUP conditions while CUP 2024-008 is in effect. Any violation of the conditions of approval may be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the CUP 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.

Unless a motion for reconsideration is made within ten calendar days, or the Decision is timely appealed, the Decision is final.<sup>13</sup>

DECISION entered May 30, 2024.



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Benton County Hearings Examiner  
Susan Elizabeth Drummond

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<sup>13</sup> BCC 17.20.110 (ten calendar days to request reconsideration); Ch. 36.70C RCW (21-day appeal period to superior court).

**Nikki Relyea**

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Tuesday, March 25, 2025 9:14 AM  
**To:** matt\_waddell@outlook.com  
**Subject:** Conditional Use Permit CUP 2024-008 - 60 days till expiration  
**Attachments:** Decision ADU CUP 2024-008 (Waddell).pdf; CUP 2024-008 60 days expiration Email.pdf; CUP 2024-008 DRAFTED ADU Agreement.docx

Good morning Mr. Waddell,

Attached you will find a notice of 60 days till expiration of your Conditional Use Permit for a detached accessory dwelling unit on your property. I have attached a copy of the Hearings Examiner Decision as well and the ADU agreement draft that we have signed in our office for pick up, notarizing and recording. After that, you'll need to apply for the Rural Water Supply Program with our coordinator Donna and we can move forward with issuance of your CUP so you can start construction. If you have any questions or have decided to forego this project, please let me know and I'll help accordingly!

Have a wonderful week,

**Nikki Relyea**

*Permit Technician*

Benton County Community Development Department

Planning Division

[Nikki.Relyea@co.benton.wa.us](mailto:Nikki.Relyea@co.benton.wa.us)

[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)

(509) 786-5612



**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

May 5, 2025

**HEM 1.6**

Matthew Waddell  
626 N Riverside Drive  
West Richland, WA 99353

RE: Notice of Expiration for Conditional Use Permits #: **CUP 2024-008**  
Expiration Date: 5/30/2025

Dear Mr. Waddell,

Your Conditional Use Permit for the Detached Accessory Dwelling Unit is set to expire on **May 30, 2025**. The conditions to be met can be found on page 5 on the attached Decisions from the Hearings Examiner.

If the Conditions of Approval are not met within one (1) year from the date of the decision the Hearings Examiner may declare your application(s) null and void. Please send confirmation of any conditions that have been met to the Planning Division.

If you have questions about this letter, please do not hesitate to call or email our office.

Sincerely,

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Nikki Relyea, Permit Technician  
Community Development Department  
Planning Division