

Community Development Department

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



Planning Division

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

HEM 1.1

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Suarez – Cosmetic Sales**

FILE NO: CUP 2025-001

MEMO DATE: March 31, 2025

HEARING DATE: April 18, 2025

APPLICANT: Kellyanne Suarez, 73206 E 279 PR NE, Richland, WA 99352

OWNER: Osvaldo Suarez, 73206 E 279 PR NE, Richland, WA 99352

LOCATION: General Location: The property is located approximately 0.12 miles northwest of the intersection of Cowlitz Blvd and Dallas Rd in the Richland area of unincorporated Benton County, Washington.
Legal: Section 20, Township 9 North, Range 28 E, W.M. Lot 3 of Short Plat 0731.
Parcel Number: 1-2098-201-0731-003

PROPERTY SIZE: Approximately 1.40 Acres

AREA TO BE USED: Approximately 498 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 (20) Findings of Fact and nine (9) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is seeking a Conditional Use Permit (CUP) under BCC 11.11.060(g) which allows a home occupation involving the display and/or sale of products on the premises in the Rural Land Five Acre Zoning District (RL-5); provided, a home occupation permit is also required under Chapter 11.49 BCC. If granted, this CUP would allow for the sale of medical grade cosmetics (cosmeceuticals) to patients of a non-invasive medical spa operating under an active Home Occupation Permit (HO 2025-001).

The proposed retail activities shall occur within a 498 square foot area of a 3,438 square foot single family dwelling in the Richland area of unincorporated Benton County. (HEM 1.4)

The application for CUP 2025-001 was submitted to the Benton County Planning Division on

February 7, 2025. (HEM 1.3)

The application was declared complete for processing on February 12, 2025. (HEM 1.6)

The application documents were distributed to reviewing agencies on February 12, 2025. (HEM 1.7)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2025-001 was published on April 2, 2025 the Prosser Record Bulletin. (HEM 1.13)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on March 28, 2025.

The Open Record Hearing is scheduled for April 18, 2025.

APPLICABLE STANDARDS/ORDINANCES:

1. *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.

2. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.03 Definitions

Section 11.03.010 Definitions

(86) "Home Occupation" means any business use that is clearly incidental and secondary to the use of the property for residential purposes.

Chapter 11.11 Rural Lands Five Acre District (RL-5)

Section 11.11.050 Allowable Uses

(c) Home occupation, subject to the provisions of Chapter 11.49 BCC, involving business activities not otherwise expressly allowed or requiring a permit under 11.11.060.

Section 11.11.060 Uses Requiring a Conditional Use Permit

(g) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.

Chapter 11.50.040 Conditional Use.

Section 11.50.040 (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.

Section 11.50.040 (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.

PUBLIC COMMENTS:

1. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on March 28, 2025.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on February 12, 2025:
 - a. Benton County Public Works Department
 - b. Benton County Code Enforcement
 - c. Benton-Franklin Health District
 - d. Benton County Fire District #4
 - e. Benton County Building Division
 - f. Benton County Fire Marshal
 - g. Benton REA
 - h. City of Richland
 - i. Rural Water Supply Coordinator
2. The following comment was received from the **Benton County Building Division** February 13, 2025 (HEM 1.8):
 - a. Project must comply with all current Benton County building and fire codes, up to and including possible change of use.
 - b. Future construction must comply with Benton County Building and Fire Codes.
 - c. Please contact the Building Division at (509) 735-3500 for more information.
3. The following comment was received from the **Benton County Public Works Department** on March 27, 2024 (HEM 1.12):
 - a. Public Works has no comments.
 - b. Please contact the Public Works Department at (509) 786-5611 for more information.
4. The following comment was received from the **Benton County Fire Marshal** on February 20, 2025 (HEM 1.10):
 - a. I have no comment or objection regarding CUP 2025-001.
 - b. Please contact the Benton County Fire Marshal at (509) 735-3500 for more information.
5. The following comment was received from the **Rural Water Supply Program** on February

20, 2025 (HEM 1.9):

- a. The Rural Water Supply Program has no comments on this application. This property is within the Rural Water Supply Program, but the residence was built prior to 2020 which is when the RWSP was enacted.
 - b. Please contact the Rural Water Supply Program Coordinator at (509) 786-5612 for more information.
6. The following comment was received from the **Benton Rural Electric Association** on February 25, 2025 (HEM 1.11):
- a. Please record a new 10-foot utility easement along the south property line.
 - b. Please contact Chris Cooke at (509) 786-2913 for more information.
7. The following are general comments and discussion points from the **Benton County Planning Division**:
- a. The lot is zoned Rural Lands Five Acre District (RL-5).
 - b. The lot designation is Rural Remote in the Benton County Comprehensive Plan.
 - c. Surrounding land uses: Similar in nature to the applicant's property, the adjacent properties are residential in nature.
 - d. The existing Home Occupation permit (HO 2025-001) for a medical spa was issued on January 28, 2025.
 - e. If you have any questions on these comments, please, contact the Benton County Planning Division at (509) 786-5612.

FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

The following Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for CUP 2025-001 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 seeking a Conditional Use Permit (CUP) under BCC 11.11.060(g) which allows a home occupation involving the display and/or sale of products on the premises in the Rural Land Five Acre Zoning District (RL-5).
2. If granted this CUP would allow for retail sales to occur in association with the existing home occupation for a medical spa.
3. The Applicant is Kellyanne Suarez, 73206 E 279 PR NE, Richland, WA 99352.
4. The Owner is Osvaldo Suarez, 73206 E 279 PR NE, Richland, WA 99352.

5. The site is located approximately 0.12 miles northwest of the intersection of Cowlitz Blvd and Dallas Rd in the Richland area of unincorporated Benton County, Washington.
6. The subject parcel is approximately 1.4 acres in size.
7. The parcel is legally described as Lot 3 of Short Plat 0731. Parcel Number: 1-2098-201-0731-003.
8. The proposed retail activities shall occur within a 498 square foot area of a 3,438 square foot single family dwelling.
9. The property is zoned Rural Lands Five Acre District (RL5).
10. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
11. The proposed retail activities are allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
12. The proposed retail activities comply with Benton County Building Division standards and requirements.
13. The application for CUP 2025-001 is consistent with the Growth Management Act.
14. The application for CUP 2025-001 is consistent with the goals and policies of the Benton County Comprehensive Plan.
15. The application for CUP 2025-001 is consistent with the requirements of the Benton County Zoning Code.
16. The proposed retail activities are compatible with other uses in the surrounding area and is no more incompatible than any other outright permitted uses in the applicable zoning district.
 - a. Subject to potential mitigating measures as determined by the Hearings Examiner.
17. The proposed retail activities 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.
18. The pedestrian and vehicular traffic caused by the proposed retail activities 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.
19. The proposed retail activities will not adversely affect public services to the surrounding area.
20. The proposed retail activities 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.
 - a. Subject to potential mitigating measures as determined by the Hearings Examiner.

SUGGESTED CONDITIONS OF APPROVAL

1. The activities on the site shall comply with the submitted site plan and materials submitted

for this application, including but not limited to:

- a. Benton County Conditional Use Permit 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. The applicant shall identify a waste disposal plan for expired products, containers, or ingredients that could pose a hazard.
4. The applicant shall adhere to the following for the lifetime of the CUP:
 - a. The associated Home Occupation permit shall remain active and in compliance.
 - b. Retail sales shall be limited to clients of the Home Occupation.
 - c. No clients or customers shall be allowed to park within the access easement.
5. Any proposed outdoor lighting associated with this CUP shall be directed downward to avoid unnecessary glare on neighboring parcels.
6. Owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to retail activities taking place.
7. All required development permits shall be obtained and final approvals granted prior to the commencement of church operations. This includes approval of permits required by the following, as applicable:
 - a. Benton County Building Division; for building permits.
 - b. Benton County Fire Marshal; for fire and safety regulations.
 - c. Benton Franklin Health District.
8. Future construction or activities associated with this conditional use require review under the Benton County Zoning Ordinance. Applicants shall contact the Planning Division prior to any construction or changes in activities on site.
9. The project facility shall follow the rules and regulations of the Benton-Franklin Health District at all times, including standards for drinking water, on-site sewage systems, and BFHD standards.

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 not transferrable by the holder.

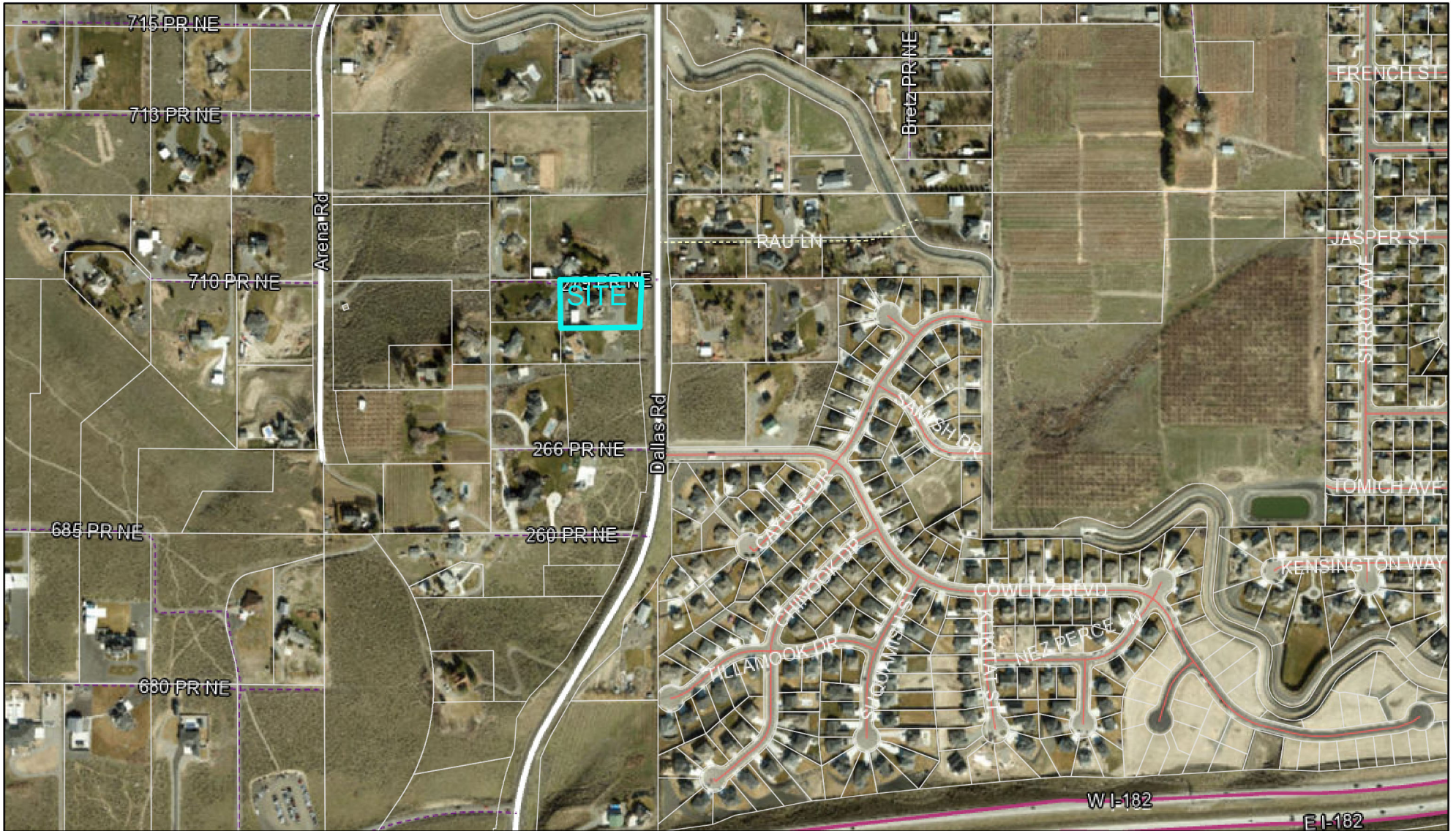
VIOLATIONS OF CONDITIONS OF APPROVAL:

The applicant/owner shall continue to meet all conditions of this Conditional Use Permit while CUP 2025-001 is in effect.

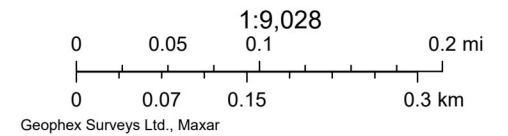
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with 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 2025-001 - Suarez - Vicinity Map

HEM 1.2



2/10/2025, 3:34:04 PM



Community Development Department

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(509) 786-5612

Planning.department@co.benton.wa.us

102206 East Wiser Parkway, Kennewick, WA 99338

HEM 1.3
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CONDITIONAL USE PERMIT APPLICATION

File No. WP 2025-001

FEB 03 2025

Benton County
Planning Division

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Kellyanne M Suarez

Mailing Address (with City, State & zip): 73206 E 279 PR NE

Phone #1: 253-282-9571 Phone #2: _____

Email Address(es): Kellyanne@eternalalluremedspa.com

Signature: [Signature] Date: 1-31-25

Name of Property Owner(s) (if different): Oswaldo E Suarez

Mailing Address (with City, State & zip): 73206 E 279 PR NE

Phone #1: 253-576-6557 Phone #2: _____

Email Address(es): Suarezoe@hotmail.com

Signature: [Signature] Date: 1-31-25

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: _____

Applicant/Legal Owner Contact Information: _____

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): 73206 E 279 PLANE RICHLAND, WA 99352

2. Parcel number(s): 120982010731003

3. Total Acreage: 1.92

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: Cascade Natural Gas

Irrigation: No Yes
Provider name: _____

6. Current use(s) on property: Med Spa - H02025-001

7. What are you proposing to do that requires a Conditional Use Permit? Sell prescription strength cosmetics. (see attached)

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: RL-5

Reviewed by: [Signature]

Date: 2/3/2025

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

FEB 03 2025

Benton County
Planning Division

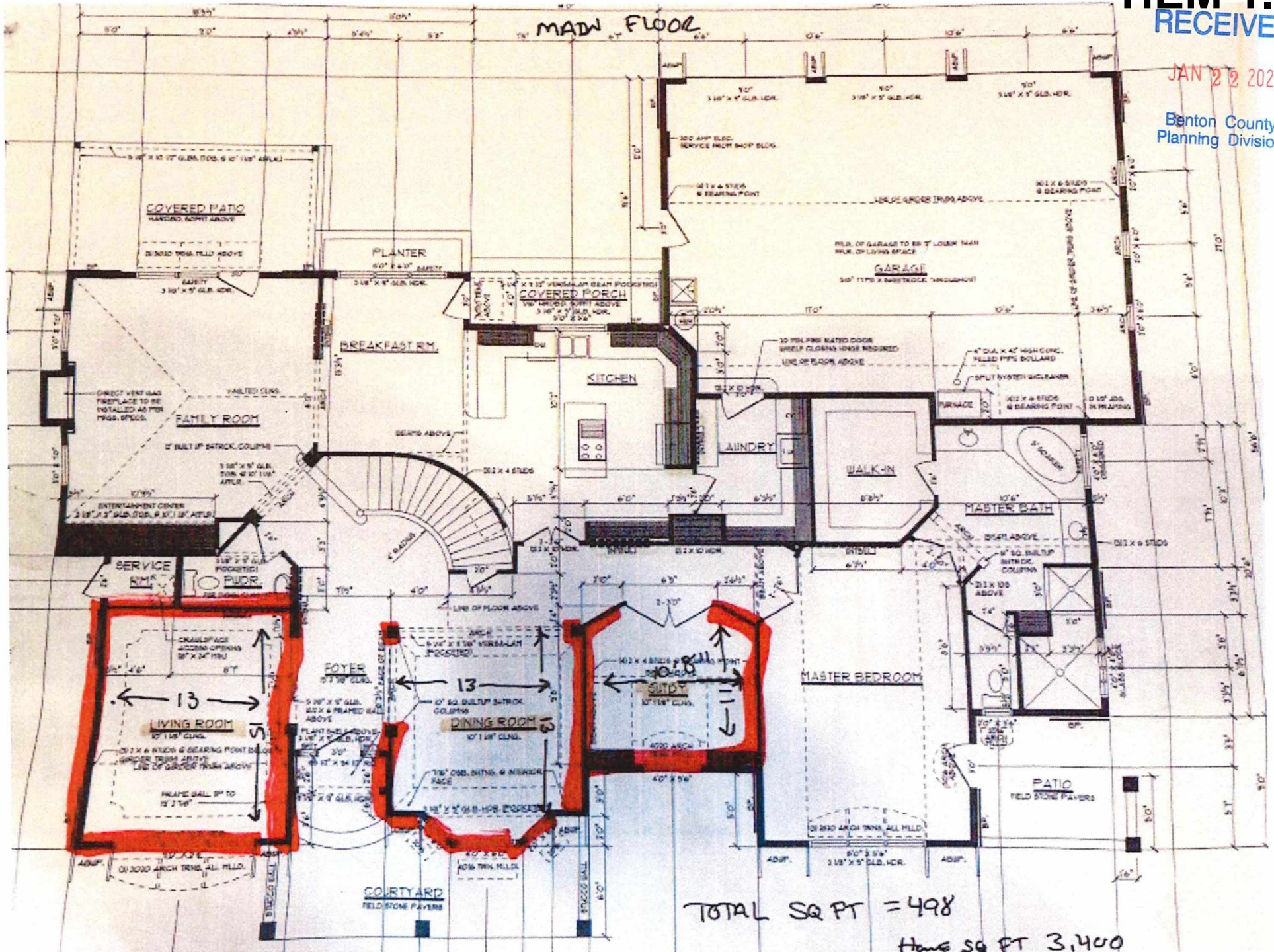
Kellyanne Suarez
Conditional Use Permit Application
Additional Pages

Currently operating under HO 2025-001 permit and as part of the Med Spa treatment that I will be providing, I will be prescribing and selling medical grade cosmetic (cosmeceuticals) to my patients to use at home as part of their skin care routine.

This is an important aspect in the care of the skin as this is done daily at home. This is much the same as a Dermatologist would do, in conjunction with the care that is provided in office.

JAN 22 2025

Benton County
Planning Division

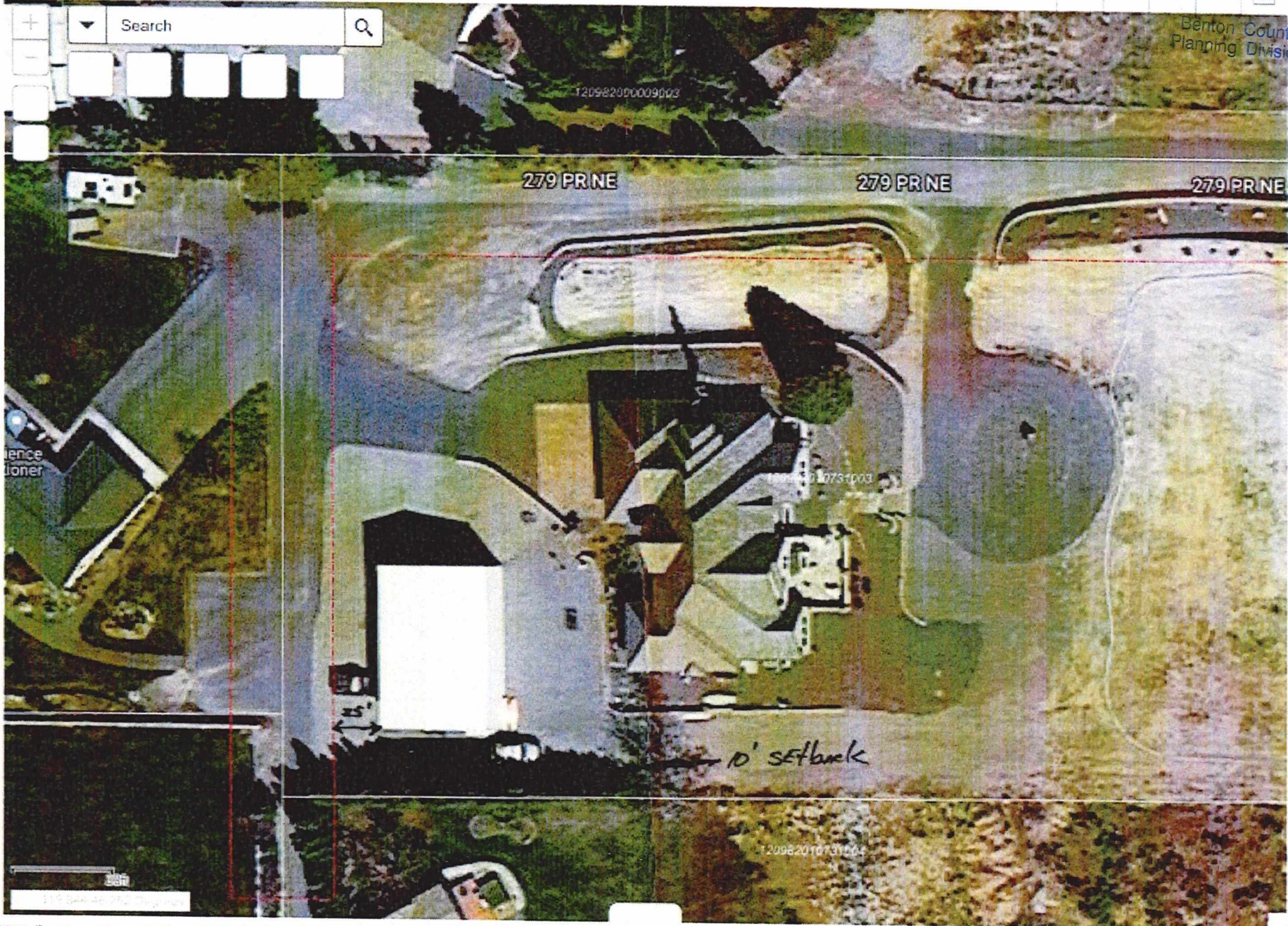


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JAN 22 2025



Benton County
Planning Division





HOME OCCUPATION PERMIT
Eternal Allure Medspa

HEM 1.5

FILE NO: HO 2025-001
APPLICANT: Kellyanne Suarez
PROPERTY OWNER: Osvaldo Suarez
LOCATION: General Location: The property is located in the Richland area of unincorporated Benton County, approximately 0.31 miles south of the intersection of Arena and Dallas Roads.
Address: 73206 E 279 PR NE, Richland, WA 99352
Legal: Lot 3 of Short Plat # 731
Parcel Number: 120982010731003
REQUEST: In-home aesthetic medical spa

APPROVED USE:

Home occupation permit, HO 2025-001, is hereby approved for an in-home aesthetic medical spa known as Eternal Allure Medspa issued to Kellyanne Suarez. This home occupation permit will allow the operation of the medical spa within 498 square feet of the 3,438 square foot residence. The business shall be limited to the living room, dining room and study as shown on the approved site plan dated January 22, 2025. The hours of operation will be Monday through Friday from 9am to 5pm. One employee, Kellyanne Suarez, and up to 5 customers per day are allowed under this permit.

CONDITIONS OF APPROVAL:

1. There must be a dwelling unit on the parcel and a proprietor of the business must reside in the dwelling unit.
 - a. The applicant resides in the existing dwelling on the property.
2. No more than two (2) non-resident persons, whether they work on site or not, may be employed by, or be partners or shareholders in the consulting business.
 - a. The applicant is the sole employee for the business.
3. The total area for the home occupation, including all storage spaces used for the home occupation, shall not occupy more than thirty (30) percent of the dwelling unit's floor area and any attached garage; or six hundred (600) square feet within a dwelling unit or attached garage whichever is less.
 - a. 498 sq. ft. of the 3,438 sq. ft. of the residence shall be used for said business including the living room, dining room, and study as shown on the approved site plan dated January 22, 2025. Any expansion or change to the area utilized for the business must obtain prior approval from the Planning Division.
4. No more than one (1) non-illuminating sign, with a maximum area of four (4) square feet, extending a maximum height of six (6) feet above grade, shall be permitted in connection with the home occupation. The posting of such sign is limited to the parcel on which the home occupation is located. On-street (inside the road right-of-way) sign posting and any sign posting that interferes with the line-of-sight for road intersections are prohibited. A building permit may be required for the construction/placement of a sign.
 - a. One metal sign has been installed in the northeast corner of the property near the intersection of Dallas Road and 279 PR NE.
5. Noise, lighting, dust, smoke, and other potential off-site impacts of the home occupation shall be controlled as follows: noise shall not exceed sixty-five (65) decibels at any property line; smoke, spray, airborne dust, noxious odors or other particulate materials shall not migrate to adjacent properties; lights must be hooded to

illuminate downward and minimize the impact to adjacent properties; interference with neighborhood radio, TV, or phone reception and transmission shall not occur.

- a. With this business being located indoors this is not a foreseen issue.
6. Only one (1) vehicle marked to identify the home occupation is allowed on the parcel at any one time, excluding vehicles parked within an enclosed structure. No other on-site, outside storage of vehicles, equipment, and/or supplies is allowed in connection with a home occupation. No business-related repair work or service may occur on site.
 - a. No marked vehicles or storage were identified or approved in conjunction with this Home Occupation Permit.
 7. This permit will be provided to the Benton County Fire Marshal who may require that the parcel be placed on the Fire Marshal's annual inspection list. If you have questions, please contact the Fire Marshal, Gary Tiplady, at (509) 735-3500.
 8. There shall be no on-site display and/or on-site sale of materials or products in connection with the home occupation.
 - a. No sales were listed or approved in conjunction with this Home Occupation Permit.
 9. This permit shall not be transferable to any other person and cannot be transferred to another location. If the business closes or moves locations the applicant must inform the Benton County Planning Division and Fire Marshal within thirty (30) days of the termination of the business onsite.
 10. This permit **does not** grant authorization for the constructing, erecting, enlarging, altering, repairing, moving, improving, removing, converting or demolishing of any structure related to the Home Occupation. Please be aware that future changes to the operation or extent of the business may have an effect on the status of approval for the Home Occupation.
 11. This approval should not be construed to imply approval from any other agency that may be required prior to the operation of your business, nor does it take precedence over covenants or deed restrictions that may be applicable to your property. This approval only acknowledges compliance with zoning ordinance regulations.

Dated this 28th day of January 2025.



Michelle Mercer, Planning Manager
Benton County Planning Division

Community Development Department

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HEM 1.6

February 12, 2025

Kellyanne Suarez
73206 E 279 PR NE
Richland, WA 99352

Via Email: kellyanne@eternalalluremedspa.com

RE: Written Determination of Completeness
File Number(s): CUP 2025-001

Dear Mrs. Suarez,

This office is in receipt of your Conditional Use Permit application to sell prescription strength cosmetics as part of an approved Home Occupation Permit for your in-home aesthetic medical spa. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2025-001) 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,

Andrea Watts
Senior Planner
Benton County Community Development Department
Planning Division

Cc: suarezoe@hotmail.com

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HEM 1.7

February 12, 2025

Benton County Building Division
Benton County Code Enforcement
Benton County Fire District #4
Benton County Fire Marshal
Benton County Public Works Department
Benton-Franklin Health District
Benton REA
City of Richland
Rural Water Supply Coordinator

RE: Agency review of a Conditional Use Permit application
File #: CUP 2025-001
Parcel #: 1-2098-201-0731-003
Applicant: Kellyanne Suarez

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

The applicant is proposing to sell prescription strength cosmetics as part of an approved Home Occupation Permit for an in-home aesthetic medical spa. The project is located in the Richland area within the Rural Lands 5-Acre District. Parcel number 1-2098-201-0731-003.

PLEASE SUBMIT YOUR COMMENTS to Planning.department@co.benton.wa.us by **February 26, 2025**. Please reference file number **CUP 2025-001** in all correspondence.

If you have any questions or need more time to review the application, please contact the Planning Division at (509) 786-5612 or to the email above.

Thank you,

Benton County Planning Division

Nikki Relyea

From: Troy Taylor
Sent: Thursday, February 13, 2025 8:40 AM
To: Planning Department
Subject: RE: Agency Review- CUP 2025-001- Suarez

HEM 1.8

Building- Comply with all current Benton County and fire codes, up to and including possible change of use.

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, February 12, 2025 3:37 PM
To: 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>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Shane Elledge <Richard.Elledge@co.benton.wa.us>; Dylan Krantz <Dylan.Krantz@co.benton.wa.us>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmliller@bentonrea.org>; City of Richland - Stevens, Mike <mstevens@CI.RICHLAND.WA.US>; Rural Water Supply Program <Rural.Water@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
Subject: Agency Review- CUP 2025-001- Suarez

Good afternoon,

Attached you will find the necessary application materials Kellyanne Suarez who is requesting a Conditional Use to sell prescription strength cosmetics as part of an approved Home Occupation Permit for an in-home aesthetic medical spa at 73206 E 279 PR NE, Richland.

Please review and provide any comments by **February 26, 2025.**

Have a wonderful week,



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[SobqbjGhsdup hqwC fr:ehqwqz dkv#](#)
+83<,# ; 90945

From: Rural Water Supply Program
Sent: Thursday, February 13, 2025 9:25 AM
To: Planning Department
Subject: RE: Agency Review- CUP 2025-001- Suarez

The Rural Water Supply Program has no comments on this application. This property is within the Rural Water Supply Program but the residence was built prior to 2020 which is when the RWSP was enacted.



Donna Hutchinson
Rural Water Supply Coordinator
Community Development Dept.
Planning Division
102206 E. Wiser Parkway
Kennewick WA 99338
Phone: (509)786-5612
rural.water@co.benton.wa.us
www.bentoncountywa.gov

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

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Please review and provide any comments by **February 26, 2025.**



Fire Marshal Comments:

HEM 1.10

Date: February 20, 2025

Parcel #: 120982010731003

Nikki,

From the perspective of the Fire Marshal, I have no comment or objection regarding CUP 2025-001

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

Re: CUP 2025-001, Suarez

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

Nikki Relyea

HEM 1.11

From: Chris Cooke <cchooke@bentonrea.org>
Sent: Tuesday, February 25, 2025 10:47 AM
To: Planning Department
Cc: Derek Miller
Subject: RE: [External] Agency Review- CUP 2025-001- Suarez
Attachments: BREa Comments_CUP 2025-001_250225.pdf

Good morning,

Please see BREa comments attached.

Good day,

CHRIS COOKE

Office: 509-786-2913

Direct: 509-781-6735



6095 W Van Giesen St | West Richland, WA 99353

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, February 12, 2025 3:37 PM
To: 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>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Shane Elledge <Richard.Elledge@co.benton.wa.us>; Dylan Krantz <Dylan.Krantz@co.benton.wa.us>; Chris Cooke <cchooke@bentonrea.org>; Derek Miller <dmiller@bentonrea.org>; City of Richland - Stevens, Mike <mstevens@CI.RICHLAND.WA.US>; Rural Water Supply Program <Rural.Water@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
Subject: [External] Agency Review- CUP 2025-001- Suarez

This message came from outside of Benton REA.

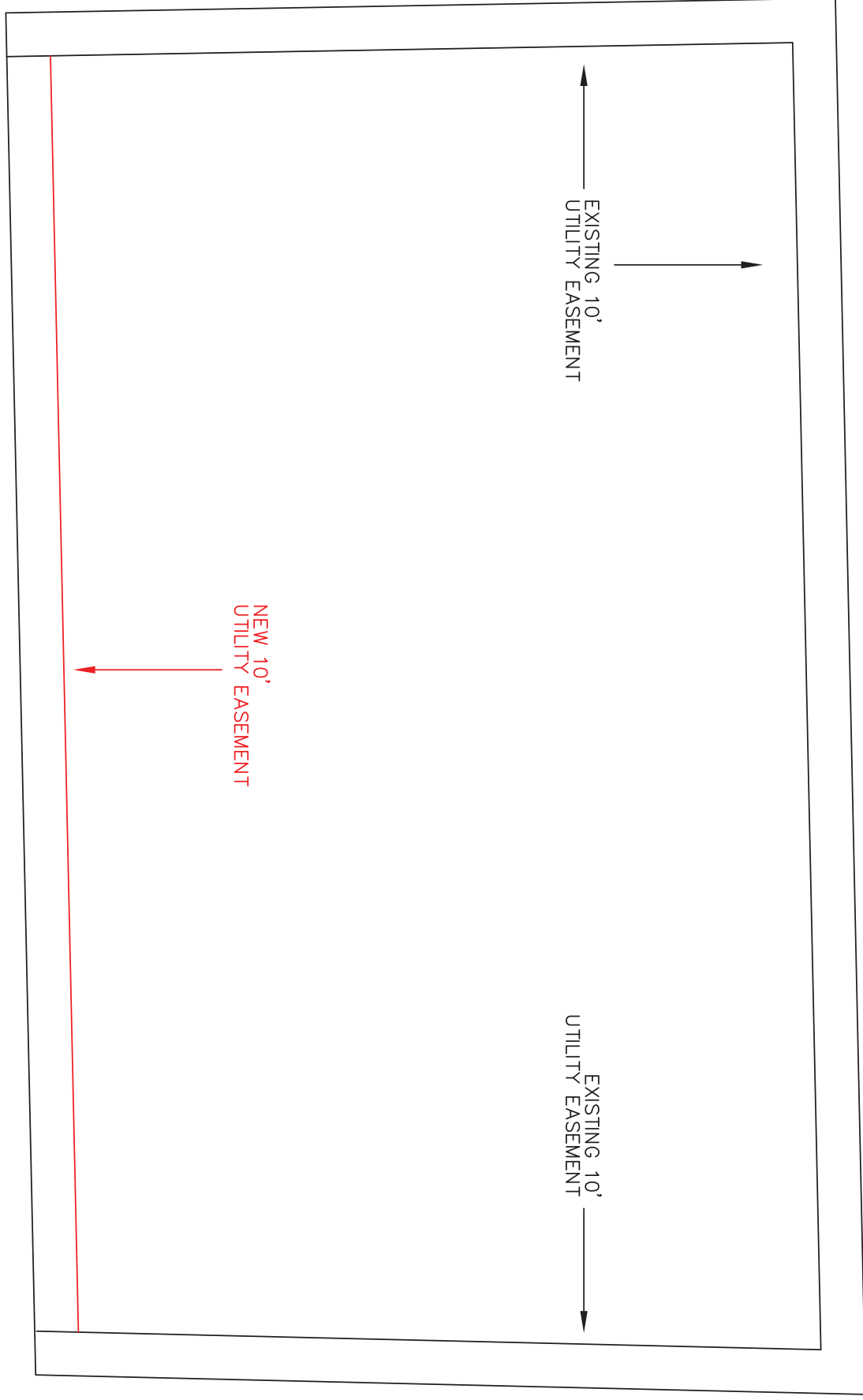
Good afternoon,

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Please review and provide any comments by **February 26, 2025.**

Have a wonderful week,

PARCEL # 120982010731003
CUP 2025-001 - Suarez



Nikki Relyea

From: Shane Elledge
Sent: Thursday, March 27, 2025 2:41 PM
To: Planning Department
Subject: RE: Agency Review- CUP 2025-001- Suarez

HEM 1.12

Good afternoon

Public Works has no comments.

Thanks



R. Shane Elledge • *Engineering Associate I*
Benton County Public Works
102206 Wisner Parkway , Kennewick WA, 99338
(509) 786-5611 Ext: 5531

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, March 26, 2025 11:01 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Shane Elledge <Richard.Elledge@co.benton.wa.us>
Subject: FW: Agency Review- CUP 2025-001- Suarez

Good morning,

I just wanted to confirm that Public Works has no comments on this CUP for retail sales associated with an existing med spa.

It's on a private road but just want to be sure!

Thank you,



NOTICE OF OPEN RECORD HEARINGS

HEM 1.13

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Hearings Examiner for Benton County, Washington. An open public record hearing for the below stated applications will be held on **April 18, 2025** at 10 a.m. via in person and virtual meeting format in the Meeting Room on the first floor of the Courthouse, 620 Market Street, Prosser WA. To find information on virtual attendance options, including streaming video, WebEx video conferencing and telephone, please visit www.tinyurl.com/BCPublicNotice.

CONDITIONAL USE PERMIT – 2025-001 The applicant, Kellyanne Suarez, is proposing to sell prescription strength cosmetics as part of an approved Home Occupation Permit for an in-home aesthetic medical spa. The project is located at 73206 E 279 PR NE, Richland, WA 99352.

CONDITIONAL USE PERMIT – 2025-002 The applicants, Daniel and Lesley Boren, are proposing to construct a 798 sq. ft. accessory dwelling unit on a parcel with an existing 2,126 sq. ft. single family residence. The project is located at 102503 N Horn Rapids Drive, Richland, WA 99353.

CONDITIONAL USE PERMIT – 2025-003 The applicant, David Gonzalez, is proposing to construct a 784 sq. ft. accessory dwelling unit on a parcel with an existing 1,962 sq. ft. single family residence. The project is located at 28421 N 107 PR NW, Benton City, WA 99320.

CONDITIONAL USE PERMIT – 2025-004 The applicant, Amanda Moe, is proposing to construct a 798 sq. ft. detached accessory dwelling unit on a parcel with an existing 3,784 sq. ft. single family residence. The project is located at 102921 Tatum Blvd, Kennewick, WA 99338.

VARIANCE PERMIT – 2025-001 The applicant, Nikolay Prozapas, is requesting a variance to install flood venting rather than elevating a proposed 960 sq. ft. detached shop on a property with an existing 1,767 sq. ft. single family residence. The project is located at 2617 S Gum Street, Kennewick, WA 99337.

Questions can be directed to the Planning Division at 509-786-5612 or at planning.department@co.benton.wa.us. Written comments regarding the above applications must be received by **April 14, 2025** via email or submitted to the Planning Division office at the Public Services Building, 102206 E Wisner 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.

No individual with a disability shall be denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at a public meeting, please contact the Benton County Planning Division at least ten days prior to the meeting date to make arrangements for special needs.

Dated this 26th day of March, 2025.

PUBLICATION DATE: April 2, 2025

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department

April 7, 2025
Community Development Department
Planning Division Office — Public Services Building
102206 E. Wiser Parkway,
Kennewick, WA. 99337



HEM 1.14

Subject: Conditional Use Permit - 2025-001—Applicant Kellyanne Suarez

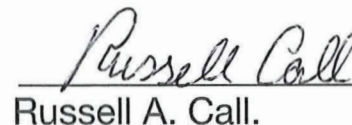
We are concerned that Kellyanne Suarez and her husband, Osvaldo “Ed” Suarez may not follow the rules and regulations required that should be implemented during a Conditional Use Permit (CUP).

The reason we express concern is that in March 2023, Mr. And Mrs. Suarez claimed that our shrubs and half of our doublewide gate were on their property. He and his brother cut the shrubs with chain saws without discussing the boundary dispute with us. In January 2025, we hired a surveyor and established that our shrubs and gate were not on their property.

To complicate the situation, the landscape border wall that was installed on their property when they first purchased the property does not meet county easement footage requirements on their property and adjacent properties for emergency vehicles. As a result, the neighbors are now claiming half of our shared driveway, approximately 75’ by 6’, by Prescriptive Easement. In claiming the Prescriptive Easement, the owner still does not meet the required county easement of 30’ for ingress and egress from Dallas Road because it is currently 17’ 8” wide due to the border wall.

If this permit is granted, we hope that Mr. And Mrs. Suarez display fair and good business ethics, and bear in mind the impact the business will have on the neighborhood.


Sandra L. Call 4-7-25
Date


Russell A. Call. 4-7-25
Date

73207 E. 279 PR NE
Richland, WA. 99352
509-222-4342