

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**

David Gonzalez

Detached Accessory Dwelling Unit

FILE NO: CUP 2025-003

MEMO DATE: March 20, 2025

HEARING DATE: April 18, 2025

APPLICANT: David Gonzalez, 28421 N 107 PR NW, Benton City, WA 99320.

OWNERS: Rafael David and Amber Gonzalez, 28421 N 107 PR NW, Benton City, WA 99320.

LOCATION: General Location: The property is located in the Benton City area of unincorporated Benton County, south of the intersection of Yakitat Pl and N 107 PR NW.
Address: 28421 N 107 PR NW, Benton City, WA 99320.
Legal: Lot 4 of Short Plat 2904.
Parcel Number: 123961012904004

PROPERTY SIZE: Approximately 22.54 Acres

AREA TO BE USED: 784 square feet

LAND USE: Residential

ZONING: Rural Lands Five Acre (RL-5)

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested twenty-three (23) Findings of Fact and five (5) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is seeking a Conditional Use Permit (CUP) under BCC 11.42.020(c)(1) to construct a detached Accessory Dwelling Unit (ADU). Per the construction drawings the applicant is proposing to construct a 784 square foot ADU within the Rural Lands Five Acre District. Confirmation was received via email from the applicant on March 26, 2025 (HEM 1.10) that the proposed square footage of the ADU is 784 square feet as opposed to the 792 square feet cited in the application.

The ground floor ADU is proposed to be constructed west of the 1,972 square foot single-family residence. The proposed structure will be located on a 22.54-acre parcel in the Benton City area of unincorporated Benton County. (HEM 1.4)

The application for CUP 2025-003 (HEM 1.3) was submitted to the Benton County Planning Division on March 4, 2025.

The application was declared complete for processing on March 5, 2025. (HEM 1.5)

The application documents were distributed to reviewing agencies on March 5, 2025. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2025-003 was published on April 2, 2025 in the Prosser Record Bulletin. (HEM 1.11)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on March 27, 2025

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

APPLICABLE STANDARDS/ORDINANCES:

1. *Revised Code of Washington*
Chapter 36.70A.400 Growth Management—Planning by Selected Counties and Cities
Any local government, as defined in RCW 43.63A.215, that is planning under this chapter shall comply with RCW 43.63A.215(3).

RCW 43.63A.215(3) Accessory apartments—Development and placement—Local governments

Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

2. *Benton County Comprehensive Plan*
3.3.2.3 Rural Land Use Designations

Rural Remote is the predominant rural land use in the County. This land is located mostly between the agricultural lands (GMA Agriculture), Rural Transition, and the UGAs. Rural Remote land use is intended to enhance and preserve the County's rural character, which includes rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural home sites on which a limited range of agricultural activities may be conducted. Allowable density in Rural Remote land use is 1DU/5acres.

Section 2.7 Housing

HE Goal 1: Provide for a variety of residential uses and densities consistent with the rural character and lifestyles and a choice of housing types for people of all income levels.

Policy 7: Consider accessory dwelling units as an affordable housing option and look for flexible and innovative ways of integrating accessory dwelling units into single family

residential zones.

Section 6.4.2 Housing Types

Accessory Dwelling Units. The zoning code permits the establishment of additional living quarters within single family residences to permit persons who, due to a disability or an infirmity, require the assistance of friends, relatives, or a professional nurse to remain in their home and for persons related to the occupant. These units help meet the needs of the disabled, infirm, or elderly in need of assisted care and are currently allowed by ordinance in all residential zones and the agricultural zoning district of Benton County.

3. Benton County Code (BCC)

Title 11 Zoning

Chapter 11.03 Definitions

(2) "Accessory Dwelling Unit" an additional room or set of rooms located within a single-family structure and designed, arranged, occupied, or intended to be occupied by not more than one (1) household as living accommodations independent from any other household and not exceeding 800 square feet in area.

Chapter 11.42 General Use Regulations

11.42.020 Accessory Dwelling Unit (ADU).

An accessory dwelling unit shall be allowed on any real property located within unincorporated Benton County that is zoned for single family residences, except for those properties with an Industrial or Commercial zoning designation, thereby meeting the requirements of the Washington State Housing Policy Act of 1993 to incorporate provisions for accessory apartments in the County's zoning ordinance (Title 11 BCC).

(a) All accessory dwelling units authorized herein shall meet the following minimum criteria:

- (1) One (1) accessory dwelling unit is allowed per parcel/lot.
- (2) A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.
- (3) The accessory dwelling unit shall not exceed 40% of the total square footage of the single-family home or 800 square feet in size, whichever is smallest.
- (4) The accessory dwelling unit shall consist of no more than one (1) bedroom.
- (5) The accessory dwelling unit shall provide two (2) off-street parking spots.
- (6) An accessory dwelling unit shall be constructed on the site and permanently affixed to the ground by footings and foundation. A recreational vehicle (RV), mobile home, manufactured home, or factory assembled structure is not to be permitted as an accessory dwelling unit.
- (7) The accessory dwelling unit is not allowed on a lot/parcel that has a duplex, multi-family dwelling, a temporary dwelling permit (see BCC 11.42.110), a multiple detached dwelling permit (see BCC 11.42.080) or two (2) or more single-family dwellings.
- (8) The accessory dwelling unit is not allowed to be used in the operation of a home occupation.
- (9) The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.
- (10) The accessory dwelling unit shall meet and comply with Benton County Fire Marshal requirements for access.
- (11) The accessory dwelling unit may be permitted as either a ground floor or

- 2nd floor unit.
- (12) Either the accessory dwelling unit or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow to occupy the landowner(s) unit when absent the rest of the year.
 - (13) If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached and compliance with subsection (c) below is required.
 - (14) The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of Benton County Code.
 - (15) The accessory unit shall not be considered as a dwelling unit when calculating density.
 - (16) The accessory dwelling unit shall comply with requirements in subsection (b) and (c) respectively.
- (c) An accessory dwelling unit detached from the single-family dwelling shall comply with the following:
- (1) All detached accessory dwelling units require approval of a conditional use permit (see Chapter 11.50 BCC).
 - (2) A detached accessory dwelling unit shall comply with the following minimum design standards.
 - (i) The detached accessory dwelling unit may be constructed within an existing outbuilding or be a stand along structure, where the dwelling unit does not share a common wall with the primary single-family dwelling. If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached.
 - (ii) An outside entrance to the accessory dwelling unit is required and be placed at the side or rear of the building, when possible, to maintain the appearance and character of an accessory use.
- (d) The applicant shall record the permit issued for the accessory dwelling unit with the Benton County Auditor's Office. The recording fee shall be paid by the applicant for the accessory dwelling unit. The permit shall include a statement that the accessory dwelling may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.

Chapter 11.50 Variance and Conditional Use

11.50.040 Conditional Use

(a) Conditional Use Permit – General Standards. The conditional use permit application process allows the Hearings Examiner to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Hearings Examiner to ensure that development in each zoning district protects the integrity of that district. The notice, hearing, decision, and enforcement procedures are as set forth herein and in BCC 11.50.050.

Certain uses are classified as conditional uses because of their unusual nature, infrequent occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure, or adjacent properties, and/or possible safety hazards and other similar reasons.

Once granted, a conditional use permit may be transferred by a holder thereof after written notice to the Hearings Examiner; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in Chapter 11.51 BCC.

(d) Conditional Use Permit- Permit Granted or Denied. A conditional use permit shall be granted only if the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow the Hearings Examiner to conclude that, as conditioned, the proposed use:

- (1) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district.
- (2) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district.
- (3) Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district.
- (4) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- (5) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made. If such evidence is not presented or all necessary reasonable conditions are not identified by the applicant so as to allow the Hearings Examiner to make the conclusions required above, the conditional use application shall be denied.

PUBLIC NOTICE:

The Public Notice Requirements for this application as per BCC 11.50.050(b) are as follows:

1. The Planning Division shall provide written notification for an open record hearing, subject to the rules and regulations set forth in RCW 36.70. Written notice shall be mailed at least twelve (12) days in advance of the open record hearing to the applicant and the owner of the parcel(s) to which the proposed variance or conditional use permit would apply, and to all owners of real property, as shown in the records of the Benton County Assessor, located within a distance of three hundred (300) feet of any portion of the applicable parcel, provided that if the owner of the parcel for which the proposed variance or conditional use permit is requested owns another parcel or parcels adjacent the parcel at issue, notification shall be mailed to owners of real property located within three hundred (300) feet of any portion of such adjacent parcels as well. Failure to receive the notice shall not invalidate any proceedings or decision in connection with the proposed variance or conditional use permit. Notices addressed to the last known owner of record as shown on the County Assessor's records shall be deemed proper notice to the owner of such

property; and,

2. By publication of a legal notice in a newspaper of general circulation in the County at least ten (10) days prior to the open record hearing date.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on March 5, 2025.
 - a. Benton County Public Works Department
 - b. Benton-Franklin Health District
 - c. Benton County Fire District # 5
 - d. Benton County Building Division
 - e. Benton County Fire Marshal
 - f. Benton County Code Enforcement
 - g. Benton County Rural Water Supply Program
 - h. Benton PUD
 - i. City of Benton City
2. The following comments were received from the Benton Public Utility Department (PUD) (HEM 1.9):
 - a. Benton PUD would like to know whether the ADU will have a separate meter or if it will be sub-fed from the existing home service.
 - b. Please contact Benton PUD for all power needs at (509) 582-1230.
3. The following comments were received from the Benton County Rural Water Supply Program (HEM 1.7):
 - a. This property is located within the Benton County Rural Water Supply Program area which requires the new dwelling unit to obtain a water mitigation certificate or provide evidence of a valid domestic water right. Additionally, the new dwelling unit will require a water meter to be installed to monitor water usage for compliance with the Rural Water Supply Program.
 - b. If you have any questions about these comments, please contact the Benton County Rural Water Supply Program at (509) 786-5612.
4. The following comments were received from the Benton County Building Division (HEM 1.8):
 - a. The project must comply with all current Benton County building and fire codes.
 - b. If you have questions about these comments, please contact the Benton County Building Division at (509) 735-3500.

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 2025-003 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

Based on the information received to date, Planning staff recommends approval of the applicant's request with the following suggested findings of fact and conditions of approval:

SUGGESTED FINDINGS OF FACT:

1. The applicant is proposing to construct a 784 square foot accessory dwelling unit located at 28421 N 107 PR NW, Benton City, WA 99320.
2. The applicant is David Gonzalez, 28421 N107 PR NW, Benton City, WA 99320.
3. The property owners are Rafael David and Amber Gonzalez, 28421 N 107 PR NW, Benton City, WA 99320.
4. The property is approximately 22.54 acres in size and is zoned Rural Lands Five Acre District (RL-5).
5. The property is located in the Benton City area of unincorporated Benton County, south of the intersection of Yakitat PI and N 107 PR NW, (Parcel 123961012904004).
6. The ADU is proposed to be constructed west of the 1,972 square foot single-family residence.
7. The ADU will be used as living quarters for family members.
8. The Conditional Use Permit (CUP 2025-003) shall comply with the Benton County Critical Area Ordinance, Title 15 BCC.
 - a. The proposed ADU is not located within any critical areas.
9. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
10. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
11. The detached ADU complies with Benton County Building Division standards and requirements.
12. The application for CUP 2025-003 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
13. The application for CUP 2025-003 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.
14. The application for CUP 2025-003 is consistent with the goals and policies of the Benton County Comprehensive Plan.
15. The application for CUP 2025-003 is consistent with the requirements of the Benton County Zoning Code.
16. The application for CUP 2025-003 is consistent with the requirements of BCC

- 11.42.020(a) Accessory Dwelling Units (ADU):
- a. One (1) detached ADU is proposed for the subject property.
 - b. A single-family dwelling is under construction on the parcel/lot where the detached ADU is to be located.
 - c. The primary single-family dwelling is 1972 square feet. Forty percent (40%) of 1972 square feet is 788 square feet. The applicant is proposing a maximum of 784 square feet in the application.
 - d. The detached ADU will have one (1) bedroom.
 - e. The applicant is proposing two (2) parking spots to serve the detached ADU.
 - f. The proposal is to construct a 784 square foot ADU on site that shall be permanently affixed to the ground by footings and foundation.
 - g. No additional dwelling or housing units exist on site or are proposed.
 - h. A home occupation is not planned nor proposed to be operated in the detached ADU.
 - i. The detached ADU must comply with BFHD standards as per the Conditions of Approval.
 - j. The detached ADU and proposed single family dwelling comply with Fire Marshal standards.
 - k. The detached ADU will be a ground floor unit.
 - l. The landowners will reside in the existing single-family dwelling and maintain residency for at least six (6) months out of the year.
 - m. The detached ADU complies with applicable building, fire, critical area, shoreline, and zoning requirements.
 - n. The detached ADU complies with the Benton County critical area ordinance, Shoreline Master Program, and zoning regulations.
17. The application for CUP 2025-003 is consistent with requirements in BCC 11.42.020 (c)(2)(i) as the ADU will be located within a standalone structure.
18. The application for CUP 2025-003 is consistent with requirements in BCC 11.42.020(c)(2)(ii):
- a. The proposed ADU is located west of the primary single-family dwelling.
 - b. The door layout of the structure is adequate for its location and situation, subject to compliance with the Findings of Fact and Conditions of Approval.
19. The proposed detached ADU is compatible with other uses in the surrounding area and is no more incompatible than any other outright permitted uses in the applicable zoning district.
20. The proposed detached ADU will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district.
21. The pedestrian and vehicular traffic caused by the proposed detached ADU will not conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district.
22. The proposed detached ADU will be supported by adequate service facilities and would

not adversely affect public services to the surrounding area.

23. The proposed detached ADU will not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

SUGGESTED CONDITIONS OF APPROVAL:

1. The activities on the site shall comply with the submitted site plan and materials submitted for this application.
2. The Applicant shall provide written consent to the Planning Division from the legal landowner (if different from applicant) granting permission for the operation of the conditional use prior to issuance of the CUP permit.
3. Either the detached ADU or the single-family dwelling shall be occupied by a landowner(s) as their primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for or otherwise allow others to occupy the landowner(s) unit when absent the rest of the year.
4. The County will provide an ADU agreement to the applicant. The applicant shall sign the agreement before a Notary Public and record the document with the Benton County Auditor's Office prior to the Conditional Use Permit being issued. The recording fee shall be paid by the applicant. The document will include a statement that the accessory dwelling unit may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.
5. 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 Rural Water Supply Program
 - c. Benton County Fire Marshal; for fire and safety regulations.
 - d. Benton Franklin Health District
 - e. Benton County Public Works Department; for road approach permits.
 - f. Benton County Planning Division
 - g. 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 transferable 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 2025-003 is in effect.

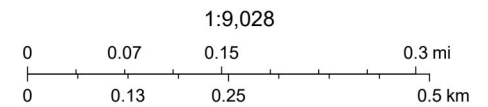
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with 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 2025-003 - Gonzalez - Vicinity Map

HEM 1.2



3/5/2025, 10:16:52 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
(509) 786-5612
Planning.department@co.benton.wa.us
102206 East Wiser Parkway, Kennewick, WA 99338

CONDITIONAL USE PERMIT APPLICATION

File No. CWP 2025-003

RECEIVED

MAR 04 2025

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Benton County
Planning Division

Name of Applicant/Agent: David Gonzalez

Mailing Address (with City, State & zip): 28421 107th PRNW Benton City WA 99320

Phone #1: 509 899 3238 Phone #2: 509 859 2393

Email Address(es): dgonzo223@gmail.com

Signature: [Signature] Date: 2-19-25

Name of Property Owner(s) (if different): David Gonzalez

Mailing Address (with City, State & zip): 28421 107th PRNW Benton City WA 99320

Phone #1: 509 899 3238 Phone #2: _____

Email Address(es): dgonzo223@gmail.com

Signature: [Signature] Date: 2-19-25

Signature: [Signature] Date: 2/19/25

**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.



CONDITIONAL USE PERMIT APPLICATION ADDENDUM DETACHED ACCESSORY DWELLING UNIT

RECEIVED

File No. CWP 2025-003

Applicant Name: David Gonzalez

MAR 04 2025

Benton County
Planning Division

- Number of Accessory Dwelling Units currently on the property: 0
- Is there a single family dwelling currently on the property? Yes No
- What is the square footage of the main home? 1962
- What is the square footage of the proposed Accessory Dwelling Unit? 792
- How many bedrooms will be in the Accessory Dwelling Unit? 1
- Does the landowner currently have any other land use permits? No

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

Moving my mother to the property to take care of her (75 years old)

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.

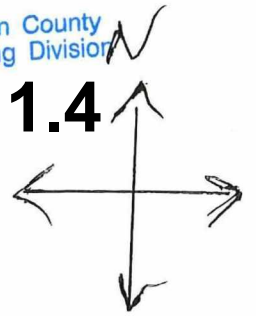
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MAR 04 2025

Benton County
Planning Division

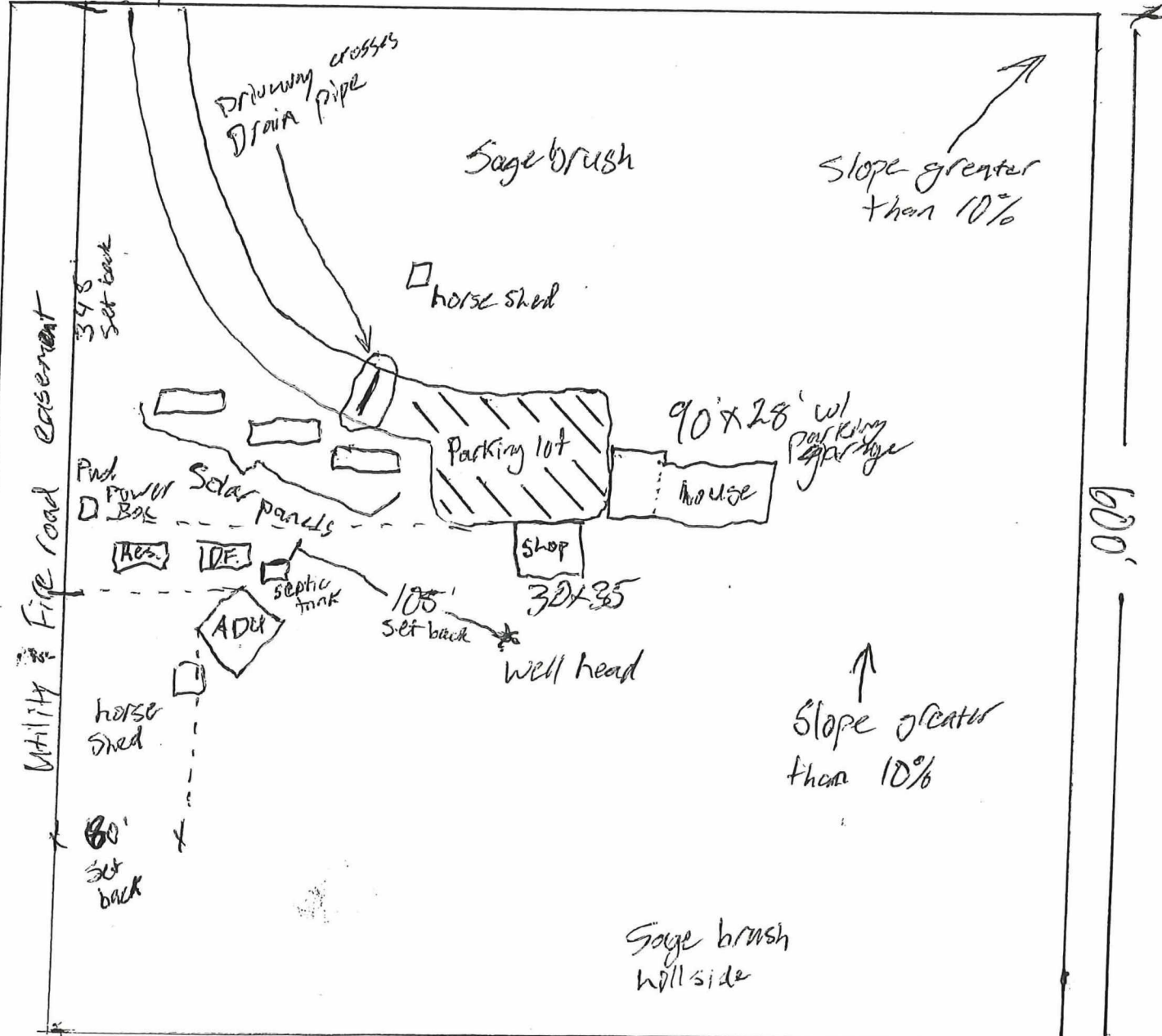
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1" = 75' ≈



520'

30'



Slope greater than 10%

Slope greater than 10%

Sage brush
hill side

Utility & Fire road easement

34' 8" Set back

80' Set back

600'

1500'

2000'

Driveway crosses
Drain pipe

Sage brush

horse shed

Parking lot

90' x 28' w/ parking space

house

shop

30' x 35'

well head

100' Set back

septic tank

ADU

horse shed

Solar panels

Panel Power Box

Res.

DE.

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HEM 1.5

March 5, 2025

David Gonzalez
28421 N 107th PR NW
Benton City, WA 99320

Email: Dgonzo223@gmail.com

RE: Written Determination of Completeness
File Number: CUP 2025-003

Dear Mr. Gonzalez,

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 2025-003) and the review process will now begin.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Koerner".

Liz Koerner - Associate Planner
Benton County Planning Division

Community Development Department

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HEM 1.6

March 5, 2025

Benton County Building Division
Benton County Code Enforcement
Benton County Fire District #5
Benton County Fire Marshal
Benton County Public Works Department
Benton-Franklin Health District
Benton PUD
City of Benton City
Rural Water Supply Coordinator

RE: Agency review of a Conditional Use Permit application
File #: CUP 2025-003
Parcel #: 1-2396-101-2904-004
Applicant: David Gonzalez

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

The applicant is proposing to construct a 784 sq. ft. detached accessory dwelling unit per submitted plans, on a parcel with an existing 1,962 sq. ft. single family residence. The project is located in the Richland area within the Rural Lands 5 Acre District. Parcel number 1-2396-101-2904-004.

PLEASE SUBMIT YOUR COMMENTS to Planning.department@co.benton.wa.us by **March 19, 2025**. Please reference file number **CUP 2025-003** in all correspondence.

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

Thank you,

Benton County Planning Division

Nikki Relyea

From: Rural Water Supply Program
Sent: Wednesday, March 5, 2025 10:59 AM
To: Planning Department
Subject: RE: Agency Review - CUP 2025-003 - Gonzalez ADU

HEM 1.7

This property is located within Benton County's Rural Water Supply Program which requires the new dwelling unit to obtain a water mitigation certificate or provide evidence of a valid domestic water right for the new dwelling unit. Additionally, the new dwelling unit will require a water meter to be installed to monitor water usage for compliance with the Rural Water Supply Program.

Please contact Donna Hutchinson at 509-786-5612 with the Planning Division for more information.



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.

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, March 5, 2025 10:06 AM
To: Brad O'Brien <Brad.O'Brien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; ch15156@yahoo.com; 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 Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; ggress@ci.benton-city.wa.us; Rural Water Supply Program <Rural.Water@co.benton.wa.us>
Subject: Agency Review - CUP 2025-003 - Gonzalez ADU

Good morning,

Attached you will find the necessary application materials for David Gonzalez who is requesting a Conditional Use Permit for a detached 784 (per submitted plans) sq. ft. accessory dwelling unit at 28421 N 107th PR NW in Benton City.

Nikki Relyea

From: Troy Taylor
Sent: Thursday, March 6, 2025 9:24 AM
To: Planning Department
Subject: RE: Agency Review - CUP 2025-003 - Gonzalez ADU

HEM 1.8

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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, March 5, 2025 10:06 AM
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>; ch15156@yahoo.com; 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 Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; gress@ci.benton-city.wa.us; Rural Water Supply Program <Rural.Water@co.benton.wa.us>
Subject: Agency Review - CUP 2025-003 - Gonzalez ADU

Good morning,

Attached you will find the necessary application materials for David Gonzalez who is requesting a Conditional Use Permit for a detached 784 (per submitted plans) sq. ft. accessory dwelling unit at 28421 N 107th PR NW in Benton City.

Please review and provide any comments by **March 19, 2025.**

Have a wonderful week,

Nikki Relyea

Permit Technician

Benton County Community Development Department

Planning Division

Nikki.Relyea@co.benton.wa.us

Planning.Department@co.benton.wa.us

(509) 786-5612



Nikki Relyea

From: Chad Brooks <brooksc@bentonpud.org>
Sent: Monday, March 10, 2025 6:53 AM
To: Planning Department
Subject: [EXTERNAL] RE: [E] Agency Review - CUP 2025-003 - Gonzalez ADU

HEM 1.9

Will ADU have separate meter or be sub-fed from existing home service? Contact Benton PUD for power needs (509)582-1230.

Chad Brooks
Distribution Design Tech II
Benton PUD
Email: brooksc@bentonpud.org
Main # (509)582-2175
Direct # (509)582-1233
My Hours Mon-Thur 6:30am-5pm
Benton PUD offices closed on Fridays



From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, March 5, 2025 10:06 AM
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>; ch15156@yahoo.com; 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 Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; Chad Brooks <brooksc@bentonpud.org>; gress@ci.benton-city.wa.us; Rural Water Supply Program <Rural.Water@co.benton.wa.us>
Subject: [E] Agency Review - CUP 2025-003 - Gonzalez ADU

[EXTERNAL EMAIL]

Good morning,

Attached you will find the necessary application materials for David Gonzalez who is requesting a Conditional Use Permit for a detached 784 (per submitted plans) sq. ft. accessory dwelling unit at 28421 N 107th PR NW in Benton City.

Please review and provide any comments by ***March 19, 2025.***

Have a wonderful week,

Elizabeth Koerner

From: David Gonzalez <dgonzo223@gmail.com>
Sent: Wednesday, March 26, 2025 8:53 AM
To: Elizabeth Koerner
Subject: Re: [EXTERNAL] Re: ADU- Square Footage Update

HEM 1.10

Yes, I can confirm It does need to be 784.

On Wed, Mar 26, 2025, 8:38 AM Elizabeth Koerner <Liz.Koerner@co.benton.wa.us> wrote:

An email is perfect. If you can just confirm that the proposal is in fact for the ADU to be 784 sq ft.

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: David Gonzalez <dgonzo223@gmail.com>
Sent: Wednesday, March 26, 2025 8:36 AM
To: Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>
Subject: [EXTERNAL] Re: ADU- Square Footage Update

Okay no problem, yes I spoke with someone else there at your office and they calculated it out that it needed to be less than 792 square feet. Do you need a statement separate from this email confirming that 784 is ok?

On Wed, Mar 26, 2025, 8:25 AM Elizabeth Koerner <Liz.Koerner@co.benton.wa.us> wrote:

Hi David,

We are working on the review for your Conditional Use Permit for the ADU. We spoke at the counter at one point about the application stating that the proposed square footage of the ADU is 792 sq ft. However according to the plans the total square footage is 784 sq ft. We just need to have you either amend the application to reflect the 784 sq ft or provide us a statement confirming the proposed square footage. You are welcome to send this via email. I have attached a copy of your original application and plans.

Thank You,



HEM 1.11

NOTICE OF OPEN RECORD HEARINGS

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 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