





**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Adolfo De La Cruz  
Setback Variance**

# HEM 1.1

**FILE NO:** VAR 2025-004  
**MEMO DATE:** September 9, 2025  
**HEARING DATE:** September 19, 2025  
**APPLICANT/OWNER:** Adolfo De La Cruz, 2700 N Griffin Road, Grandview, WA 99350.  
**LOCATION:** General Location: The property is located in the Grandview area of unincorporated Benton County; approximately 0.40 miles northwest of the intersection of Old Inland Empire Highway and Griffin Rd.  
Address: 2700 N Griffin Road, Grandview, WA 99350.  
Legal: Short Plat #2661: Lot 1  
Parcel Number: 131944012661001  
**PROPERTY SIZE:** Approximately 5.00 Acres  
**AREA TO BE USED:** The applicant is seeking a variance to reduce the required 25-foot setback from a private access easement by 7 feet on the south property line.  
**LAND USE:** Residential  
**ZONING:** Rural Lands 5 Acre District (RL5)  
**COMPREHENSIVE PLAN DESIGNATION:** Rural Remote

**RECOMMENDATION:**

The Planning Division recommends approval of the application request, subject to the suggested twelve (12) Findings of Fact and three (3) Conditions of Approval outlined in this Staff Report.

**APPLICATION DESCRIPTION:**

The applicant is requesting a variance from the setback requirements in BCC 11.11.090 (a)(1) regarding setbacks from any legally established boundary line of a private access easement in the Rural Lands Five Acre Zoning District. The applicant is proposing to construct a 3,114 square foot single family dwelling on a parcel with a thirty (30) foot wide access easement located on the south side of the subject parcel.

The applicant submitted a site plan with the application materials for a building permit for the dwelling showing a setback distance 48'-4" which was approved and the building permit was issued. During a site inspection a Benton County Building Division inspector discovered a discrepancy in what was listed as the required setbacks and what was shown on the site plan. After reviewing the discrepancy it was

determined that there was an oversight during the review process that led to the need for a setback variance (HEM 1.3).

The proposed variance would allow the dwelling to encroach seven (7) feet into the required twenty-five (25) foot setback from an access easement. If granted, this variance would result in a total setback of eighteen (18) feet from the edge of the access easement or forty-eight (48) feet from the south property line.

The application for VAR 2025-004 was submitted to the Benton County Planning Division on August 11, 2025. (HEM 1.3)

The application was declared complete for processing on August 13, 2025. (HEM 1.5)

The application documents were distributed to reviewing agencies on August 13, 2025. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2025-004 was published on September 3, 2025 in 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 August, 28, 2025.

The Open Record Hearing is scheduled for September 19, 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 11.11.090 Property Development Standards—Setback Requirements  
All lands, structures, and uses in the Rural Lands Five Acre District (RL-5) shall meet the following setback requirements, and if applicable, the setback requirements set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.
  - (a) Setback Requirements. The following minimum setbacks shall apply:
    - (1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of fifty-five (55) feet from the centerline of any public road right-of-way or twenty-five (25) feet from the property line bordering any public road right-of-way, whichever is greater; and a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

#### Chapter 11.50 Variance and Conditional Use

##### 11.50.030 Variance

- (a) Variance—General Standards. The variance application process allows the Hearings

Examiner in specific cases, as provided in RCW 36.70.970, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purposes and intent of this title and is in accordance with the requirements of this section. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located, create lots with less than the minimum size required by the district, increase densities above that established for the district, or reduce/eliminate standards of other BCC Titles.

(d) Variance—Permit Granted.

- (1) A variance shall be granted only if the Hearings Examiner concludes that based on his or her findings and the conditions imposed, if any, that:
  - (i) Granting of the proposed variance will not permit a use that is not classified as an allowable, accessory or conditional use in the zoning district wherein the use would be located;
  - (ii) Special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
  - (iii) Due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
  - (iv) The problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
  - (v) The problem sought to be addressed is not common for other property in the surrounding area;
  - (vi) The variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
  - (vii) The variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
  - (viii) The variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.
- (2) The Hearings Examiner may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by BCC 11.50.030(d)(1).

**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 August 13, 2025:
  - a. Benton County Public Works Department
  - b. Benton-Franklin Health District
  - c. Benton County Fire District #3
  - d. Benton County Building Division
  - e. Benton County Fire Marshal
  - f. Benton County Rural Water Supply Coordinator
  - g. Benton REA
  - h. Sunnyside Valley Irrigation District
2. The following comment was received from **the Benton County Rural Water Supply Coordinator** on August 13, 2025 (HEM 1.7):
  - a. The property for VAR 2025-004 is within the Rural Water Supply Program. There was a previous residential use established on the parcel prior to 2020 and is therefore exempt from the RWSP Requirements.
  - b. If you have any questions about these comments, please contact the Benton County Rural Water Supply Coordinator at (509) 786-5612.
3. The following comment was received from the **Sunnyside Valley Irrigation District** on August 13, 2025 (HEM 1.8):
  - a. SVID does have a facility within the project parcel. However, this facility should not affect the proposed development.
  - b. If you have any questions about these comments, please contact the Sunnyside Valley Irrigation District at (509) 837-6980.
4. The following comment was received from the **Benton Rural Electric Association** on August 18, 2025 (HEM 1.10):
  - a. Please add a new 10-foot utility easement along all property lines.
  - b. If you have any questions about these comments, please contact the Benton Rural Electric Association at (509) 786-2913.
5. The following comment was received from the **Benton County Building Division** on August 15, 2025 (HEM 1.9):
  - a. The proposal must comply with all current building and fire codes as adopted by Benton County.
  - b. If you have any questions about these comments, please contact the Benton County Building Division at (509) 735-3500.

6. The following comment was received from the **Benton County Public Works Department** on August 19, 2025 (HEM 1.11):
  - a. The applicant will need to apply for a road approach permit and bring the approach on Griffin Rd. up to current R-4 standards.
  - b. If you have any questions about these comments, please contact the Benton County Public Works Department at (509) 786-5611.
7. The following comment was received from the **Benton Franklin Health District** on August 26, 2025 (HEM 1.12):
  - a. The Benton-Franklin Health District has no objections to this Variance Request, as it does not change anything from our approval of the placement of home from 12/2/2025, in relation to the Onsite sewage system.
  - b. For more information, please contact the Benton Franklin Health District at (509) 460-4330.

### **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 VAR 2024-004 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.

The Hearings Examiner may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by BCC 11.50.030 (d)(1).

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 and owner is Adolfo De La Cruz, 2700 N Griffin Road, Grandview, WA 99350.
2. The property is approximately 5.0 acres in size and is zoned Rural Lands Five Acre District (RL-5).
3. The property is located in the Grandview area of unincorporated Benton County; approximately 0.40 miles northwest of the intersection of Old Inland Empire Highway and Griffin Rd (parcel 131944012661001).
4. The applicant is proposing to construct a 3,114 square foot single family dwelling at 2700 N Griffin Road, Grandview, WA 99350.
5. The subject parcel has a thirty (30) foot wide access easement located on the southern property line.

6. The applicant submitted a site plan with the application materials for a building permit for the dwelling showing a setback distance 48'-4" which was approved and the building permit was issued. During a site inspection a Benton County Building Division inspector discovered a discrepancy in what was listed as the required setbacks and what was shown on the site plan. After reviewing the discrepancy it was determined that there was an oversight during the review process that led to the need for a setback variance.
7. Per BCC 11.11.090 each dwelling unit shall have a setback of twenty-five (25) feet from any legally established boundary line of a private access easement in the Rural Lands Five Acre District.
8. In order to continue constructing the dwelling unit in the proposed location, the applicant is requesting a variance to encroach seven (7) feet into the required twenty-five (25) foot setback from the edge of the access easement.
9. The dwelling unit is proposed to be approximately 48 feet away from the south property line and 18 feet away from the edge of the access easement.
10. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
11. A variance shall be granted only if the Hearings Examiner concludes, based on the findings and conditions imposed, that:
  - (i) granting of the proposed variance will not permit a use that is not classified as an allowable, accessory or conditional use in the zoning district wherein the use would be located;
  - (ii) special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
  - (iii) due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
  - (iv) the problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
  - (v) the problem sought to be addressed is not common for other property in the surrounding area;
  - (vi) the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity under the same zoning classification;
  - (vii) the variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
  - (viii) the variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.
12. The Hearings Examiner may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by BCC 11.50.030(d)(1).

**SUGGESTED CONDITIONS OF APPROVAL:**

1. The applicant shall provide an accurate site plan and all activities on the site shall comply with the submitted site plan and materials submitted for this application.
2. The approval grants the applicant the ability to deviate from the property development setback standard in BCC 11.11.090 (a)(1) as follows:

The dwelling unit may be sited no greater than seven (7) feet into the required twenty-five (25) foot setback from the thirty (30) foot wide access easement located on the south property line. The seven (7) foot encroachment would result in a total setback of forty-eight (48) feet, from the south property line or eighteen (18) feet from the edge of the access easement. The encroachment of the building has been specified on the submitted site plan.

3. The applicant is required to obtain and maintain a Benton County Building Permit for the accessory structure.

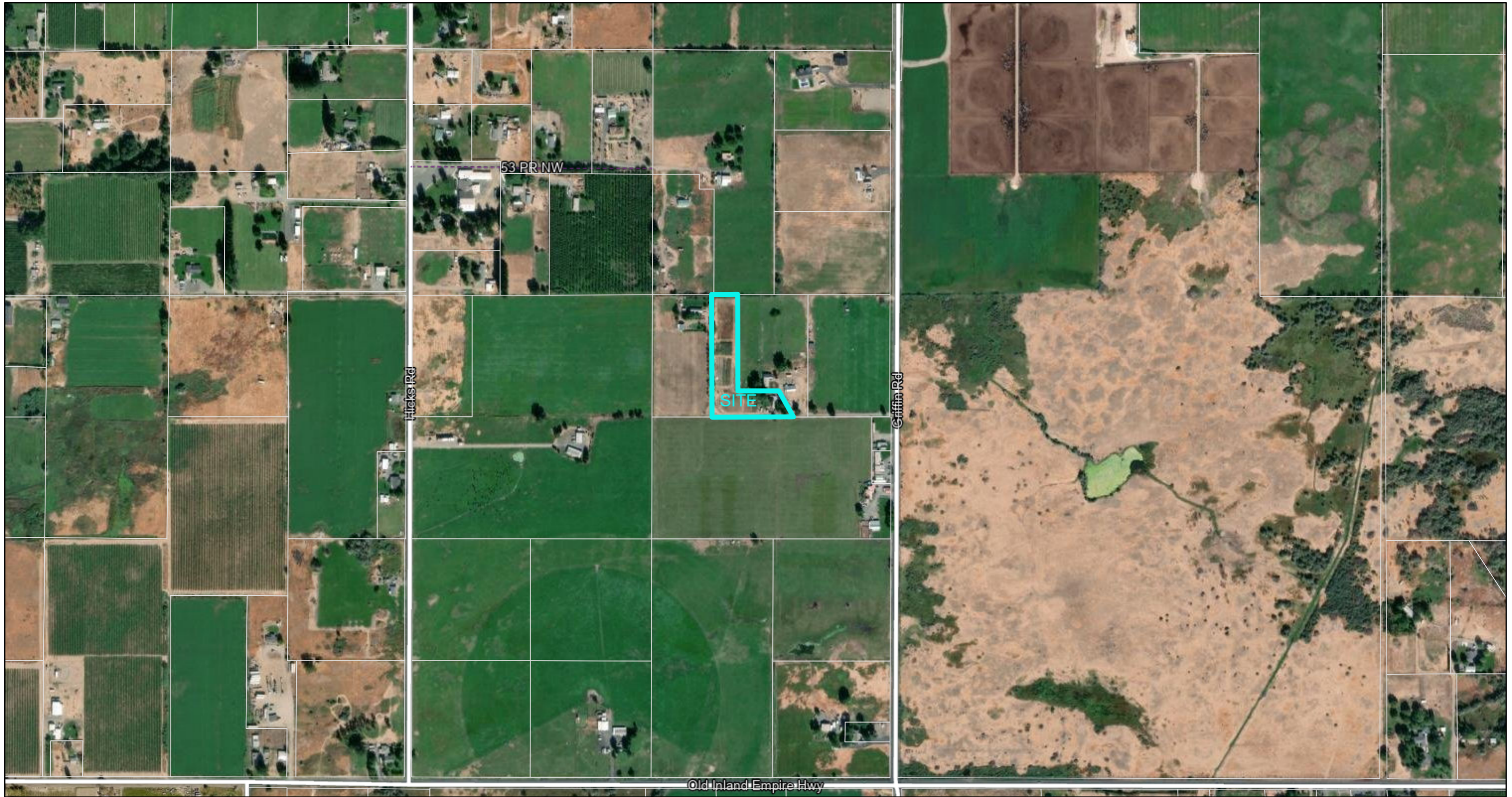
**TIME TO COMPLETE CONDITIONS OF APPROVAL:**

The applicant shall have one (1) year to meet all of the Conditions of Approval.

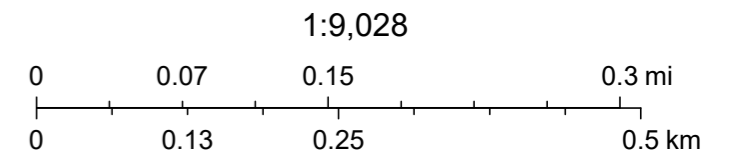
If all conditions of approval have not been met and the Planning Division does not issue the Variance within one (1) year from the time the Hearings Examiner has conditionally approved the Variance, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior 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.

# VAR 2025-004 - DE LA CRUZ - VICINITY MAP

## HEM 1.2



8/11/2025, 11:54:31 AM



Maxar

**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.dept@co.benton.wa.us  
102206 E Wiser Parkway, Kennewick, WA 99338

RECEIVED

## VARIANCE APPLICATION

File No. VAR 2025-004

AUG 11 2025

**APPLICANT INFORMATION:** Please check the appropriate box to indicate the primary contact for this application. **Benton County Planning Division**

**Applicant/Agent:**

Name(s): Adolfo De La Cruz  
Mailing Address: 2700 N Griffin Rd City: Prosser State: WA ZIP: 99350  
Phone #(s): (509) 439-0924 Email: emmanuel.pallete@gmail.com  
Signature: [Signature] Date: 8/5/25

**Property Owner** (if different from above):

Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Phone #(s): \_\_\_\_\_ Email: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

**Land Surveyor:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Phone #(s): \_\_\_\_\_ Email: \_\_\_\_\_

*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

*If the applicant or legal owner of the property is a corporation, partnership, trust or LLC use the following signature block.*

**Applicant/Legal Owner:** \_\_\_\_\_

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 Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.

12. Please describe why a variance is your only option to solve the problem.

If the <sup>home/</sup>structure is moved the distance of 7 ft, away from the easment/property line, the house will be too close to the other property line. (the house will be 8 ft away from the neighbors property, which is less than the 10 ft requirement).

13. Are there other reasonable ways to accomplish your project that would not require a variance?

Another way to accomplish the project would be to re-orient the house to fit the required dimensions. This, however would cost us more money, time, and work (essentially starting all over again). This would cause us a huge inconvenience that would prevent us from building our home.

14. Will granting this variance be materially detrimental to the public health, safety, or welfare of the surrounding properties or improvements in the vicinity? Why or why not?

No, granting this variance will not cause any negative impacts on the surrounding properties and will not be detrimental to the public. The home will not invade any other property, block, or interfere with legal codes. The home is currently placed 15 ft away from the neighbors property, which exceeds the minimum requirement of 10 ft.

15. Additional comments or information:

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

PARCEL INFORMATION

1. Subject property address: 2700 N Griffin Rd City: Prosser

2. Parcel number: 131944012661002 Acreage: 3

3. Access:  County Road  State Road/Highway  Private Road

4. Utilities: Power:  Benton PUD  Benton REA  
Sewer:  Septic Tank  City Sewer: (Provider) \_\_\_\_\_

Water:  Individual Well  One well serving 2-4 lots  One well serving 5+ lots  
 Private System (Provider & Address) \_\_\_\_\_

City System (Provider) \_\_\_\_\_

Gas:  No  Yes: (Provider) \_\_\_\_\_

Irrigation:  No  Private  District: (Provider) Sunnyside Irrigation District

5. Requested setback variance: 7 ft. from the  Front  Rear  Side boundary line.

6. Describe the request and reason for the Variance:

~~After approval~~, I am requesting the variance to continue to build the home where it is being currently built. Due to a printing error of the site plan on the county's behalf, I am being required to entirely ~~remove~~ move the foundation, essentially starting over.

7. Does the variance being requested border an easement?  Yes  No  Unknown

8. Has approval been obtained from the Benton-Franklin Health District?  Yes  No

9. What are the circumstances (lot size/shape, topography, structure size) that prevent compliance with required setbacks?

Lot size and structure size ~~as well as~~ are some of the circumstances that prevented compliance with required setbacks. Even ~~after~~ if the structure needs to be moved, it still wouldn't meet the dimensions that

10. Are the circumstances above a result from actions of past/present property owner?  Yes  No If yes, please explain:

are required on the approved permit. This shows there is also clear error on behalf of the county.

11. Are the circumstances creating the need for a variance/deviation unique to your property or is it experienced by other properties in the area?

The circumstances creating the need for a variance are unique to my property.

RECEIVED

AUG 11 2025

Benton County  
Planning Division

665.03'

523.44'

443.51'

30' ACCESS EASEMENT

10' IRRIGATION EASEMENT

222.06'

122'-6"

PROPOSED HOME

21'-6"  
CONC  
PARKING PAD

CENTER

GRAVEL

DRIVEWAY

65'-6"

NAME:	38953
Structure Type:	SFD
Application #:	38953
Parcel #:	1-3194-401-2661-002
Zone:	
*Required Setbacks*	
Front:	
Rear:	
Side:	
Side:	
Critical Area:	Flood:
Other:	
* PLEASE CALL 735-3500 IF QUESTIONS*	

PROPERTY ADDRESS:  
2700 N GRIFFIN RD  
PROSSER, WA 99350

PLOT PLAN  
SCALE: 1"=50'

HEM 1.4

MR. & MRS. ADOLFO DE LA CRUZ  
PLOT PLAN

DRAWN BY:  
BRADLEY JOHNSON DESIGNS, LLC

SCALE: DATE: SHEET:  
SHOWN 11/5/24 P1



**Community Development Department**

102206 E Wiser Parkway  
Kennewick, WA 99338



**Planning Division**

(509) 786-5612

Planning.department@co.benton.wa.us

# HEM 1.5

August 13, 2025

Adolfo De La Cruz  
2700 N Griffin Road  
Prosser, WA 99350

Email: emmanuelpallets@gmail.com

RE: Written Determination of Completeness  
File Number: VAR 2025-004

Dear Mr. De La Cruz,

This office is in receipt of your project permit application for a variance to encroach 7' into the required 25' setback from the closest edge of a private access easement to allow for the placement of a single-family dwelling. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (VAR 2025-004) 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 black ink that reads "Andrea Watts".

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Andrea Watts- Senior Planner  
Benton County Community Development Dept  
Planning Division



## HEM 1.6

August 13, 2025

Benton County Building Division  
Benton County Fire District #3  
Benton County Fire Marshal  
Benton County Public Works Department  
Benton-Franklin Health District  
Benton REA  
Rural Water Supply Program Coordinator  
Sunnyside Irrigation District

**RE:** Variance Request  
**File #:** VAR 2025-004  
**Parcel #:** 1-3194-401-2661-002  
**Applicant:** Adolfo De La Cruz

The applicant is proposing to construct a single-family dwelling within the Rural Lands 5 Acre (RL-5) zoning district. The applicant is requesting a variance to reduce the twenty-five (25) foot setback from a private access easement by seven (7) feet.

The RL-5 zoning district setbacks require all single-family residences to have a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement. Granting this variance would allow the single-family dwelling to have a setback of eighteen (18) feet from the private access easement located on the southern side of the property.

Attached please find the application materials submitted for your review.

Please submit your comments to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **August 27, 2025**. Please reference file number **VAR 2025-004** in all correspondence.

*Thank you.*

*Benton County Planning Division*

**Nikki Relyea**

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**From:** Rural Water Supply Program  
**Sent:** Wednesday, August 13, 2025 11:56 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - De La Cruz - VAR 2025-004

**HEM 1.7**

The property for VAR 2025-004 is within the Rural Water Supply Program. The residence located on the parcel was built prior to 2020 and is therefore exempt from the RWSP Requirements. Please contact the Benton County Rural Water Supply Program if you have any further questions.

Thank you,

## Nikki Relyea

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**From:** Diosdado, Rigoberto <diosdador@svid.org>  
**Sent:** Wednesday, August 13, 2025 2:24 PM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: Agency Review - De La Cruz - VAR 2025-004  
**Attachments:** Scanned from a Xerox Multifunction Printer.pdf

# HEM 1.8

See attachment for SVID comments.

Rigo Diosdado Jr  
Civil Engineering Tech  
(509)837-6980

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**From:** Cowin, Ron <cowinr@svid.org>  
**Sent:** Wednesday, August 13, 2025 11:31 AM  
**To:** Diosdado, Rigoberto <diosdador@svid.org>  
**Subject:** FW: Agency Review - De La Cruz - VAR 2025-004

Please review.

**RON COWIN**  
**ASSISTANT MANAGER – ENGINEERING**  
**SUNNYSIDE VALLEY IRRIGATION DISTRICT**



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**From:** svidinfo <[svidinfo@svid.org](mailto:svidinfo@svid.org)>  
**Sent:** Wednesday, August 13, 2025 10:10 AM  
**To:** Cowin, Ron <[cowinr@svid.org](mailto:cowinr@svid.org)>  
**Subject:** FW: Agency Review - De La Cruz - VAR 2025-004

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**From:** Planning Department <[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)>  
**Sent:** Wednesday, August 13, 2025 9:47 AM  
**To:** Brad O'Brien <[Brad.Obrien@co.benton.wa.us](mailto:Brad.Obrien@co.benton.wa.us)>; Troy Taylor <[Troy.Taylor@co.benton.wa.us](mailto:Troy.Taylor@co.benton.wa.us)>; Fire District #3 - Chief Charles Damron (<[cdamron@westbentonfirerescue.org](mailto:cdamron@westbentonfirerescue.org)>) <[cdamron@westbentonfirerescue.org](mailto:cdamron@westbentonfirerescue.org)>; Gary Tiplady <[Gary.Tiplady@co.benton.wa.us](mailto:Gary.Tiplady@co.benton.wa.us)>; Cristina Woods <[Cristina.Woods@co.benton.wa.us](mailto:Cristina.Woods@co.benton.wa.us)>; Dylan Krantz <[Dylan.Krantz@co.benton.wa.us](mailto:Dylan.Krantz@co.benton.wa.us)>; Shane Elledge <[Richard.Elledge@co.benton.wa.us](mailto:Richard.Elledge@co.benton.wa.us)>; Benton Franklin Health District - JoDee Peyton <[Jodeer@bfhd.wa.gov](mailto:Jodeer@bfhd.wa.gov)>; [erin.hockaday@bfhd.wa.gov](mailto:erin.hockaday@bfhd.wa.gov); Jack Howard <[jack.howard@bfhd.wa.gov](mailto:jack.howard@bfhd.wa.gov)>; Rural Water Supply Program <[Rural.Water@co.benton.wa.us](mailto:Rural.Water@co.benton.wa.us)>; Benton PUD - Chad Brooks <[brooksc@bentonpud.org](mailto:brooksc@bentonpud.org)>; svidinfo <[svidinfo@svid.org](mailto:svidinfo@svid.org)>  
**Subject:** Agency Review - De La Cruz - VAR 2025-004



SERVING AGRICULTURE SINCE 1906

August 13, 2025

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

Re: VAR 2025-004 Access Easement Setback  
Parcel 1-3194-401-2661-002 -De La Cruz

Dear Ms. Relyea:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comment:

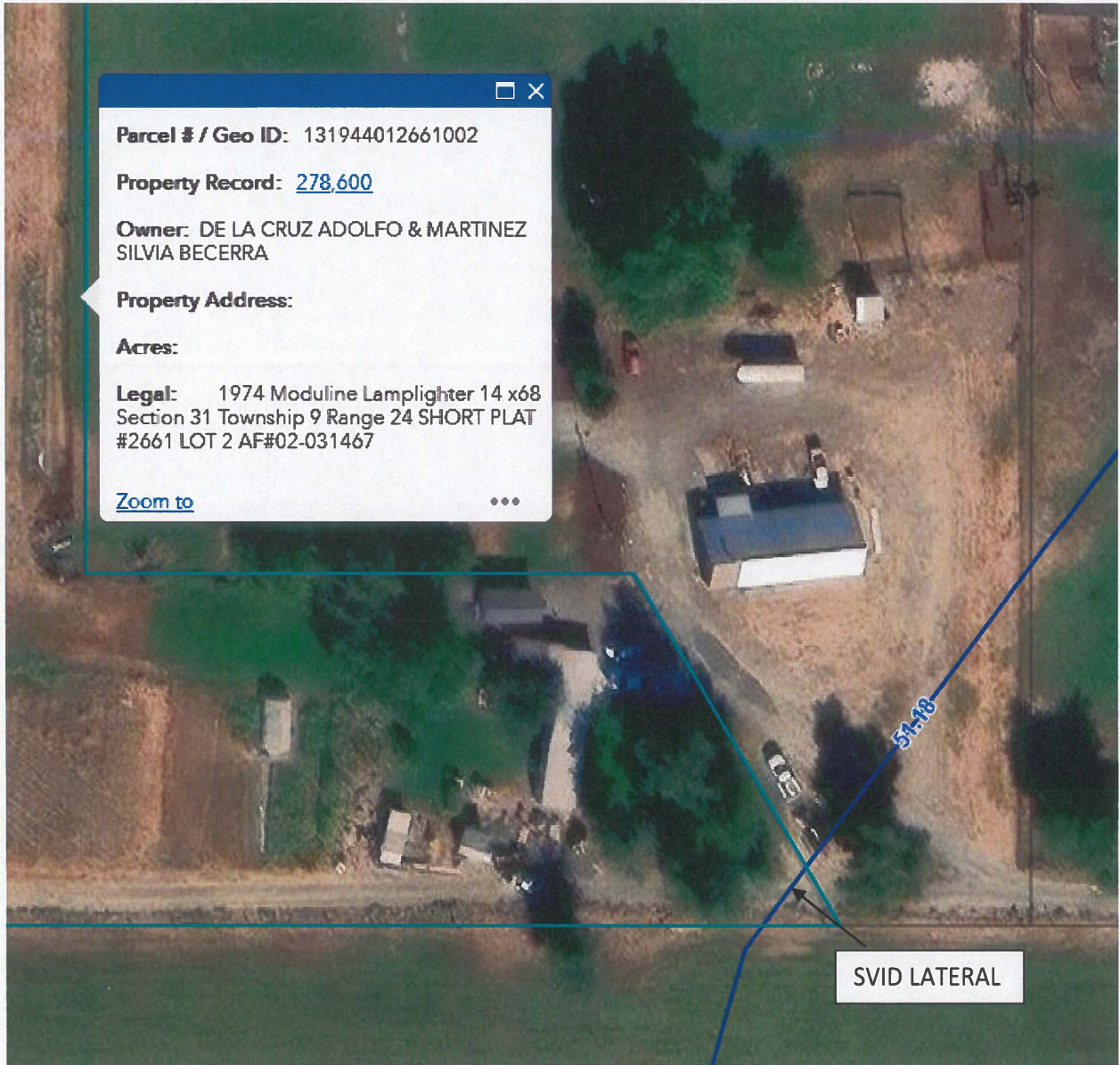
1. SVID does have a facility within the, above referenced, parcel (see attachment). However, this facility should not affect the proposed development.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Tinker Kouyian at (509) 837-6980 or [diosdador@SVID.org](mailto:diosdador@SVID.org).

Sincerely,

A handwritten signature in black ink that reads "Ron Cowin".

Ron Cowin, P.E.  
Assistant Manager - Engineering



## Nikki Relyea

---

**From:** Troy Taylor  
**Sent:** Friday, August 15, 2025 7:13 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - De La Cruz - VAR 2025-004

# HEM 1.9

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

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Wednesday, August 13, 2025 9:47 AM  
**To:** Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Fire District #3 - Chief Charles Damron (cdamron@westbentonfirerescue.org) <cdamron@westbentonfirerescue.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Dylan Krantz <Dylan.Krantz@co.benton.wa.us>; Shane Elledge <Richard.Elledge@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>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; svidinfo@svid.org  
**Subject:** Agency Review - De La Cruz - VAR 2025-004

Good morning,

Attached you will find the necessary application materials for Adolfo De La Cruz who is requesting a variance to reduce the twenty five foot setback from a private access easement by seven feet to construct a single-family dwelling at 2700 N Griffin Road, Prosser, WA 99350.

Please review and provide any comments by **August 27, 2025.**

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



**Nikki Relyea**

---

**From:** Chris Cooke <ccooke@bentonrea.org>  
**Sent:** Monday, August 18, 2025 10:38 AM  
**To:** Planning Department  
**Cc:** Jason Brown  
**Subject:** RE: [External] Agency Review - De La Cruz - VAR 2025-004  
**Attachments:** \_BREA Comments 2025-004 De La Cruz BKGD 250818.pdf

**HEM 1.10**

Good morning,

Please see Benton REA's comments attached for SHP 2025-004 De La Cruz.

Thank you,

**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, August 13, 2025 4:29 PM  
**To:** Chris Cooke <ccooke@bentonrea.org>; Jason Brown <jabrown@bentonrea.org>  
**Subject:** [External] Agency Review - De La Cruz - VAR 2025-004

**This message came from outside of Benton REA.**

Good afternoon,

Attached you will find the necessary application materials for Adolfo De La Cruz who is requesting a variance to reduce the twenty five foot setback from a private access easement by seven feet to construct a single-family dwelling at 2700 N Griffin Road, Prosser, WA 99350.

Please review and provide any comments by **August 27, 2025.**

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



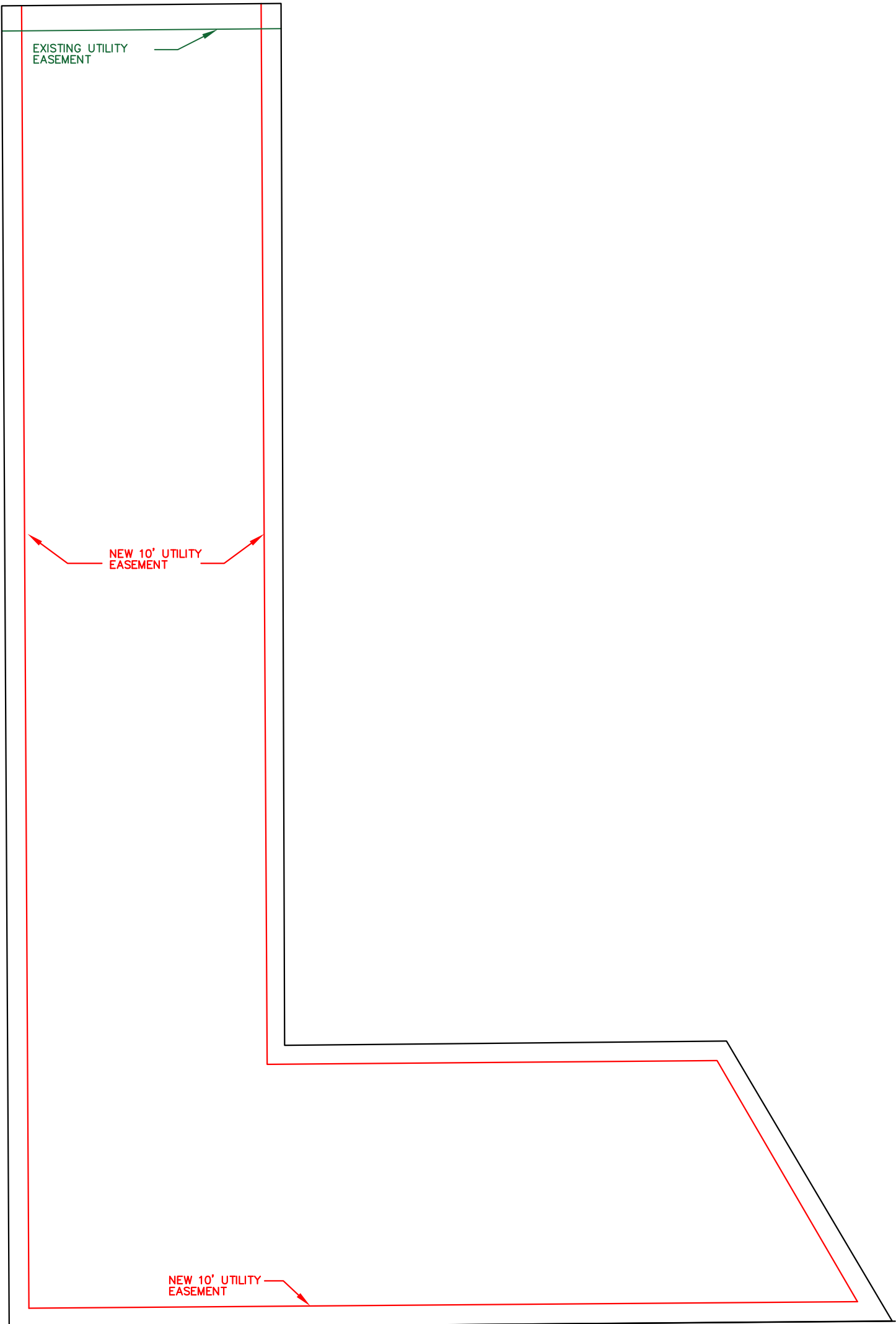
EXISTING UTILITY  
EASEMENT



NEW 10' UTILITY  
EASEMENT



NEW 10' UTILITY  
EASEMENT



**Nikki Relyea**

---

**From:** Shane Elledge  
**Sent:** Tuesday, August 19, 2025 7:32 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review - De La Cruz - VAR 2025-004

**HEM 1.11**

Good morning,

Public works has no comments on the variance. They will need to apply for a road approach permit, and bring the approach on Griffin Rd. up to current R-4 standards.

Thank you.



**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, August 13, 2025 9:47 AM  
**To:** Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Fire District #3 - Chief Charles Damron (cdamron@westbentonfirerescue.org) <cdamron@westbentonfirerescue.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Dylan Krantz <Dylan.Krantz@co.benton.wa.us>; Shane Elledge <Richard.Elledge@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>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; svidinfo@svid.org  
**Subject:** Agency Review - De La Cruz - VAR 2025-004

Good morning,

Attached you will find the necessary application materials for Adolfo De La Cruz who is requesting a variance to reduce the twenty five foot setback from a private access easement by seven feet to construct a single-family dwelling at 2700 N Griffin Road, Prosser, WA 99350.

Please review and provide any comments by **August 27, 2025.**

Have a wonderful week,

**Nikki Relyea**

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**From:** Deana Chiodo <deana.chiodo@bfhd.wa.gov>  
**Sent:** Tuesday, August 26, 2025 11:10 AM  
**To:** Planning Department  
**Cc:** Cristian Gonzalez; JoDee Peyton  
**Subject:** [EXTERNAL] VAR 2025-004

**HEM 1.12**

Good morning,

The Benton-Franklin Health District has no objections to this Variance Request, as it does not change anything from our approval of the placement of home from 12/2/2025, in relation to the Onsite sewage system. Thank you.

**Deana Chiodo**

Supervisor

Land Use, Sewage and Water Section

**Benton-Franklin Health District**

7102 W. Okanogan Place

Kennewick, WA 99336

p: 509.460.4337

[www.bfhd.wa.gov](http://www.bfhd.wa.gov) [Deana.Chiodo@bfhd.wa.gov](mailto:Deana.Chiodo@bfhd.wa.gov)



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# HEM 1.13

## 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 **September 19, 2025**, at 10 a.m. via in person and virtual meeting format in the Commissioners Room on the third floor of the Courthouse, 620 Market Street, Prosser WA. To find information on attendance options, please visit [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice).

**CONDITIONAL USE PERMIT – CUP 2025-013** The applicants, Bruce and Jan Patterson, are requesting to construct a 795 sq. ft. detached accessory dwelling unit on a parcel with an existing 4,860 sq. ft. single family residence. The project is located at 225102 E Donelson Road, Kennewick, WA 99337.

**VARIANCE PERMIT – VAR 2025-003** The applicant, Donald Van Zant, is requesting a variance to encroach five (5) feet into the required ten (10) foot northeastern side parcel setback, and twenty-two (22) feet into the required twenty-five (25) foot rear parcel setback to construct an attached garage to the existing home. The project is located at 225306 E Donelson Road, Kennewick, WA 99337.

**VARIANCE PERMIT – VAR 2025-004** The applicant, Adolfo De La Cruz, is requesting a variance to encroach seven (7) feet into the required twenty-five (25) foot setback from a private access easement to construct a single-family dwelling. The project is located at 2700 N Griffin Road, Prosser, WA 99350.

Questions can be directed to the Planning Division at 509-786-5612 or at [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us). Written comments regarding the above applications must be received by **September 16, 2025** via email or submitted to the Planning Division office at the Public Services Building, 102206 E Wiser Parkway, Kennewick, WA 99338. Any information submitted to Benton County is subject to the public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other laws that may require the release of the documents to the public.

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 27th day of August, 2025.

PUBLICATION DATE: September 3, 2025

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager  
Community Development Department