



HEM 1.1

STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER Aguilar – Painting Business

FILE NO: CUP 2026-005
MEMO DATE: April 7, 2026
HEARING DATE: April 17, 2026
APPLICANT: Juan Aguilar, 6025 Basalt Falls Dr. Pasco, WA 99301.
OWNER: JA Northwest Painting LLC., 22206 E Kennedy Rd Benton City, WA 99320.
LOCATION: General Location: The property is located approximately 1.17 miles east of the intersection of Kennedy Road and SR 224 in the Benton City area of unincorporated Benton County, Washington.
Legal: Lot 4 of Short Plat 2653; Section 16, Township 09 North, Range 27 East, W.M.
Parcel Number: 116973012653004
PROPERTY SIZE: Approximately 2.50 acres
AREA TO BE USED: 2,000 square feet
LAND USE: Residential
ZONING: Rural lands Five Acre District (RL-5)
COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested twenty-two (22) Findings of Fact and 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(w) which allows business activities in the Rural Lands Five Acre Zoning District (RL-5). If granted, this CUP would allow for the applicant to operate a painting business in the Benton City area of unincorporated Benton County.

The proposed painting business would operate within a 2,000 square foot area of a 2,304 square foot detached shop building. Activities onsite shall be limited to general office activities, storage of painting supplies, and occasional hand painting of materials. There is one employee proposed other than the proprietor of the business who will live onsite (HEM 1.3).

Operating hours shall be Monday through Saturday, 7 am to 5 pm with no clients visiting the location. The majority of projects will take place off-site with all activities onsite taking place within the detached shop building. (HEM 1.4)

The application for CUP 2026-005 was submitted to the Benton County Planning Division on February 26, 2026. (HEM 1.3)

The application was declared complete for processing on February 27, 2026. (HEM 1.5)

The application documents were distributed to reviewing agencies on February 27, 2026. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2026-005 was published on April 1, 2026 the Prosser Record Bulletin. (HEM 1.12)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on March 27, 2026.

The Open Record Hearing is scheduled for April 17, 2026.

APPLICABLE STANDARDS/ORDINANCES:

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

Rural Transition is designated to areas that are in close proximity to UGAs and have experienced steady growth in the last decade. The intent of the Rural Transition designation is to enable rural residential living in conjunction with providing a transition area between the rural and urban Benton County Comprehensive Plan 41 February 2018 environments, and potentially suitable for future inclusion into UGAs. Maximum allowable density in this land use category is 1 DU/acre

2. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.03 Definitions
Section 11.03.010 Definitions

(33) "Business activity" means the production or sale of goods, or the sale of services that is clearly incidental and secondary to the use of the property for residential purposes and that complies with the criteria set forth in this title.

Chapter 11.11 Rural Lands Five Acre District (RL-5)
Section 11.11.010 Purpose.

The Rural Lands Five Acre District (RL-5) is designed to enhance and preserve Benton County's rural character, which includes: rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural homesites on which a limited range of agricultural activities may be conducted.

Section 11.11.060 Uses Requiring a Conditional Use Permit

(w) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be

conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Hearings Examiner are satisfied:

- (1) The business activity must take place on a parcel of land that is 2.0 acres or greater in size. (2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.
- (3) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.
- (4) The business activity, including all storage space, shall not occupy more than two thousand (2,000) square feet of total floor area within the detached accessory building.
- (5) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.11.060(w)(4).
- (6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.
- (7) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other onsite outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.
- (8) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.
- (9) Adequate off-street parking, as determined by the Hearings Examiner, must be provided.
- (10) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.
- (11) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Hearings Examiner.
- (12) The business activity does not require a marijuana processor or retailer license from the Washington State Liquor Control Board.

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 27, 2026.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on February 27, 2026:
 - a. Benton Clean Air Authority
 - b. Benton County Public Works Department
 - c. Benton County Code Enforcement
 - d. Benton-Franklin Health District
 - e. Benton County Fire District #4
 - f. Benton County Building Division
 - g. Benton County Fire Marshal
 - h. Benton PUD
 - i. City of Benton City
2. The following comment was received from **Benton County Code Enforcement** on March 2, 2026 (HEM 1.8):
 - a. The application for the painting business in the detached shop exceeds 2000 sq. feet and does not comply with BCC 11.11.060 (W)(4) The business activity, including all storage space, shall not occupy more than two thousand (2000) square feet of total floor area within the detached accessory building.
 - b. Currently the single-family dwelling is being constructed (Building Permit 39635) The permit has correction that needed to be corrected on framing, and they do have an insulation inspection today. After those two inspections pass, they will need to pass a final inspection to receive certificate of occupancy to occupy the residence and comply with BCC 11.11. 060 (W)(2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.
 - c. The application #7 speaks of the size and type of signage to be used. The applicant listed 4ft x 4ft sign. Need confirmation on the type of sign to ensure they are not illuminated. The 4ft x 4ft sign does not meet the requirements in BCC 11.11.060 (W)(6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the

approved detached accessory building is located. Onstreet (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited. 4ft x 4ft is 16sq. feet and exceeds the requirement listed above.

- d. Once the building meets the maximum used space for the business of 2000sq. feet, a Change of Use Permit is required through the Building Division in accordance with 2021 International Building Code Section 105 Permits-[A] 105.1 Required- Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. The Change of Use permit will also allow the Benton County Fire Marshal confirm if any additional requirements are needed changing the use from a commercial dog kennel to the storing of paints and varnishes.
 - e. The applicant must not operate or conduct business activities until all requirements are met and/or approved by the Community Development Department. There was previous code enforcement action with the applicant operating and using the building for business activities associated with the painting business. According to Code Enforcement Officer Lee, they complied during his last inspection of the property, and the case was closed (CE Case# 25-07-120).
 - f. Please contact Benton County Code Enforcement at (509) 222-2301 for more information.
3. The following comment was received from the **Benton County Building Division** on March 3, 2026 (HEM 1.9):
 - a. Project must comply with all current Benton County building and fire codes.
 - b. Please contact the Building Division at (509) 735-3500 for more information.
 4. The following comment was received from the **Benton County Fire Marshal** on March 5, 2026 (HEM 1.11):
 - a. The proposed Conditional Use for a painting business will have to comply with the IBC and IFC. If the building exceeds 2500 sq. ft. it will have to comply with NFPA 1142 and need to have water on site for firefighting. If the building is used for spraying the spray area will be required to comply with chapter 24 of the International Fire Code and NFPA 33. Included with the requirements will be installing an engineered automatic fire suppression system, and an automatic exhaust system that interlocks with the spraying apparatus. These systems among many other requirements will be reviewed and approved by the Benton county Fire Marshal. Also required will be detailed plans prepared by a fire protection engineer.
 - b. Please contact Benton County Fire Marshal at (509) 735-3500 for more information.

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 2026-005 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(w) which allows business activities in the Rural Lands Five Acre Zoning District (RL-5). If granted, this CUP would allow the applicant to operate a painting business.
2. The applicant is Juan Aguilar, 6025 Basalt Falls Dr. Pasco, WA 99301.
3. The owner is JA Northwest Painting LLC., 22206 E Kennedy Rd Benton City, WA 99320.
4. The site is located approximately 1.17 miles east of the intersection of Kennedy Road and SR224 in the Benton City area of unincorporated Benton County, Washington. (Parcel 116973012653004)
5. The property is zoned Rural lands Five Acre District (RL-5)
6. The subject parcel is approximately 2.50 acres in size.
7. The parcel is legally described as Lot 4 of Short Plat 2653; Section 16, Township 09 North, Range 27 East, W.M.
8. The proposed painting business would operate offsite and within a 2,000 square foot area of a 2,304 square foot detached shop building.
9. Activities onsite shall be limited to general office activities, storage of painting supplies, and occasional hand painting of materials.
10. There is one employee proposed other than the proprietor of the business who will live onsite.
11. Operating hours shall be Monday through Saturday, 7 am to 5 pm with no clients visiting the location.
12. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
13. The proposed painting business is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
14. The proposed painting business complies with Benton County Building Division standards and requirements.
15. The application for CUP 2026-005 is consistent with the Growth Management Act.

16. The application for CUP 2026-005 is consistent with the goals and policies of the Benton County Comprehensive Plan.
17. The application for CUP 2026-005 is consistent with the requirements of the Benton County Zoning Code.
18. The proposed painting business 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.
 - a. Subject to potential mitigating measures as determined by the Hearings Examiner.
19. The proposed painting business will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district.
20. The pedestrian and vehicular traffic caused by the proposed painting business will not conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district.
21. The proposed painting business will not adversely affect public services to the surrounding area.
22. The proposed painting business 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. All onsite activities, and storage of all products, materials, equipment, and marked vehicles shall be within an area not to exceed 2,000 square feet of the 2,304 square foot detached shop. No use of additional buildings, or outdoor storage and/or business activities shall be permitted.
 - a. Applicant must permanently separate a 304 square foot portion of the detached accessory building not to be used for the operation of the painting business and obtain a change of use permit from the Benton County Building Division.
4. The primary residence onsite must obtain final approval and certificate of occupancy from the Benton County Building Division prior to CUP issuance.
5. No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity.
6. Any proposed outdoor lighting associated with this CUP shall be directed downward to

avoid unnecessary glare on neighboring parcels.

7. All required development permits shall be obtained and final approvals granted prior to the commencement of business activities. 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.
 - d. Benton Clean Air Agency.
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 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.

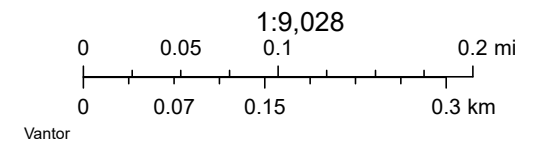
VIOLATIONS OF CONDITIONS OF APPROVAL:

The applicant/owner shall continue to meet all conditions of this Conditional Use Permit while CUP 2026-005 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.



2/26/2026, 4:35:27 PM





CONDITIONAL USE PERMIT APPLICATION

File No. CNP 2024-005



HEM 1.3

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Juan Aguilar
Mailing Address (with City, State & zip): 6025 Basalt Falls Dr. Pasco, Wa. 99301
Phone #1: (509) 212-1268 Phone #2: _____
Email Address(es): janorthwestpainting@gmail.com
Signature: [Signature] Date: 02/25/2026

Name of Property Owner(s) (if different): _____
Mailing Address (with City, State & zip): _____
Phone #1: _____ Phone #2: _____
Email Address(es): _____
Signature: _____ Date: _____
Signature: _____ Date: _____

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

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.

ENTITY SIGNATURE BLOCK

Applicant/Legal Owner name: JA NORTHWEST PAINTING LLC

Applicant/Legal Owner Contact Information: _____

Officer name: Juan Aguilar Title: Owner

Signature: [Signature] Date: 02/25/2026

THE ABOVE SIGNED OFFICER OF (name of entity) JA NORTHWEST PAINTING LLC WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT (name of applicant) Juan Aguilar TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

PARCEL INFORMATION

1. Subject property address (including city): 22206 E. Kennedy Rd.

2. Parcel number(s): 116973012653004

3. Total Acreage: 2.5

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

5. Utilities:

Power: Benton PUD Benton REA Other: _____

Sewer: Septic Tank City Sewer Other: _____

Water: Individual well(s) One well serving 2-4 lots One well serving 5+ lots

City System Provider: _____

Private System Provider name and address: _____

Gas: No Yes **PRIVATE SYSTEM: ATTACH APPROVAL DOCUMENTATION**
Provider name: _____

Irrigation: No Yes
Provider name: _____

6. Current use(s) on property: Single Family Residence

7. What are you proposing to do that requires a Conditional Use Permit? I would like to use the existing shop for my painting company. It will be used for storage and painting.

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: we paint small jobs, but it's a minor part of our workflow and doesn't pose a major fire or environmental risk to the neighborhood. mostly paint jobs by hand and not electrical equipment.

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

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

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



CONDITIONAL USE PERMIT APPLICATION ADDENDUM BUSINESS ACTIVITIES/USE

File No. CWP 2021-005 Applicant Name: Juan Aguilar

1. Type of business you wish to operate on the property: Painting
2. Is there a single-family dwelling currently on the property? Yes No
If yes, please list the names of those living in the home. -- Susan Aguilar
3. Who are the proprietors of the business? Juan Aguilar
4. Where on the property will the business be conducted? In a detached shop on the property.
5. Square footage of the accessory building where the business will be conducted 2304
6. Does the landowner currently have any other land use permits? No
7. Size and type of signage to be used: 4' x 4'
8. Estimated number of visitors to the property on a daily & weekly basis: 0
9. Number of employees who do not live on site: 1
10. Number of off-street parking spaces available: 40
11. Hours of operation for the business: 7am - 5pm
12. Do you plan to have outdoor lighting, site screening or fencing? Yes No
If yes, please describe where it will be, what kind, etc. _____

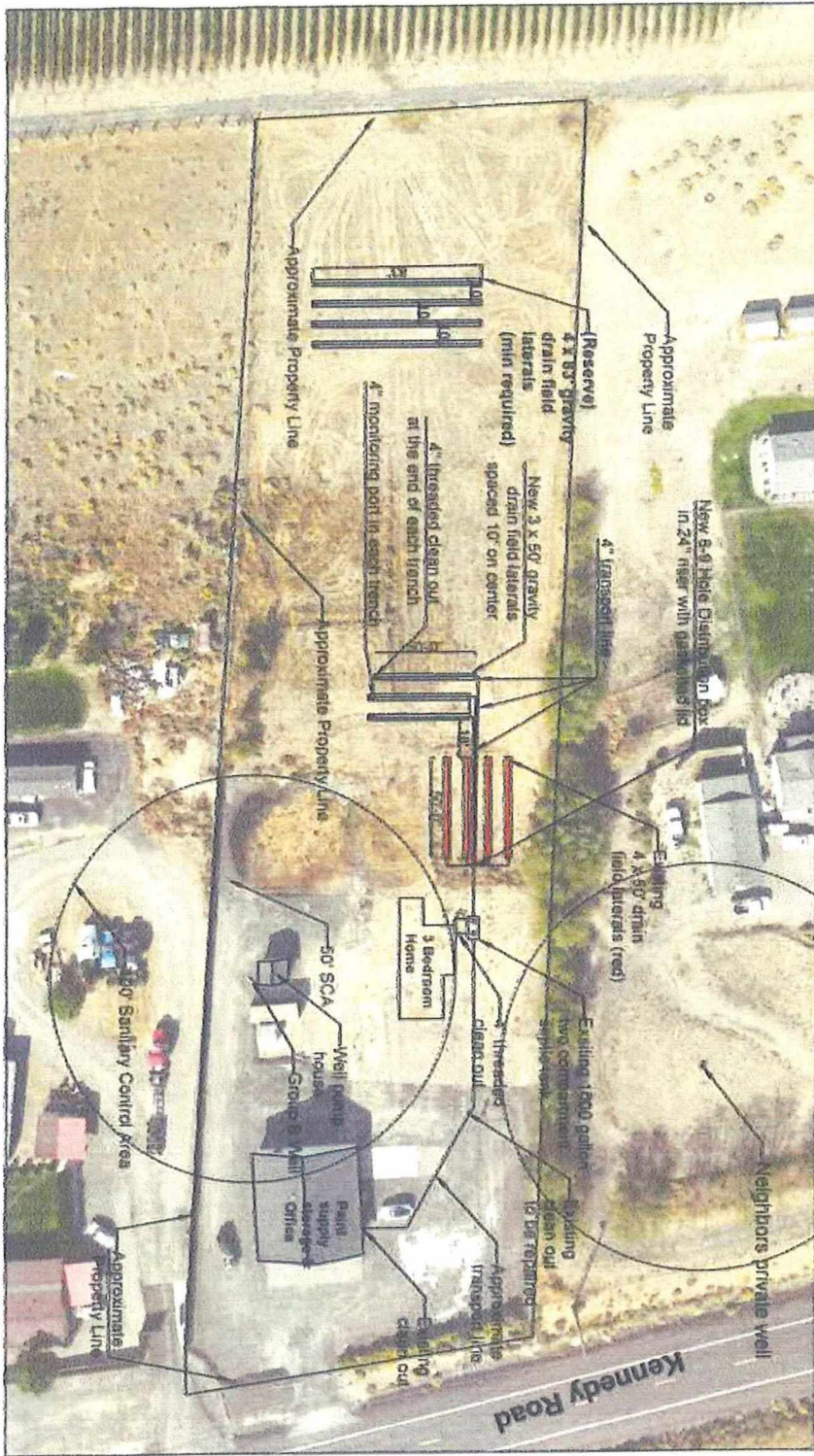
Additional Information:

We paint here, but it's a minor part of our workflow and doesn't pose a major fire or environmental risk to the neighborhood.

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.
- Where parking will be for the main home and the business

HEM 1.4



Received
FEB 26 2026
 Benton County Planning Division

Prior to installation a utility locator must be made.
 Prior to installation of this on-site sewage system a permit must be issued by Benton Franklin Health District.

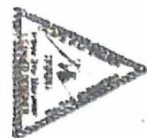
New laterals are to have 4" monitoring ports that extend to the trench bottom.

Rock and pipe, approved chambers, or EZ Flo may be used for new laterals.

Existing distribution box will need replaced with a larger distribution box that has a minimum of 7 outlet holes and must have a riser to grade with a gasketed lid.

Existing transport line from the office/paint storage building has a broken clean out. Clean out will need to be replaced.

Office will occasionally have up to two employees.



Ryan Stauden, P.E.
BLUE MOUNTAIN
 CIVIL & ELECTRIC DESIGN

Geotechnical Engineering
 8 Kennedy Rd. Benton City, WA, 98020
 Phone: 1833-731-2833
 Fax: 1833-731-2833

Project	
Revised	
Drawings	
See Site Plans	

Community Development Department

102206 East Wiser Parkway
Kennewick, WA 99338



Planning Division

(509) 786-5612
Planning.department@co.benton.wa.us

HEM 1.5

February 27, 2026

Juan Aguilar
6025 Basalt Falls Drive
Pasco, WA 99301

Email: janorthwestpainting@gmail.com

RE: Written Determination of Completeness
File Number: CUP 2026-005

Dear Mr. Aguilar,

This office is in receipt of your project permit application for a Conditional Use Permit for a painting business in an existing detached shop on the property. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2026-005) and the review process will now begin.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Andrea Watts".

Andrea Watts - Senior Planner
Benton County Planning Division



February 27, 2026

HEM 1.6

Benton Clean Air Authority
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 PUD
City of Benton City

RE: Agency review of a Conditional Use Permit application
File #: CUP 2026-005
Parcel #: 1-1697-301-2653-004
Applicant: Juan Aguilar

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

The Conditional Use Permit request is for a painting business to be held within an existing detached shop on a parcel with a single family dwelling. The project is located in the Benton City area of unincorporated Benton County within the Rural Lands 5 Acre Zoning District (RL-5).

PLEASE SUBMIT YOUR COMMENTS to Planning.department@co.benton.wa.us by **March 13, 2026**. Please reference file number **CUP 2026-005** in all correspondence.

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

Thank you,

Benton County Planning Division

From: Angela Richman <richmana@bentonpud.org>
Sent: Monday, March 2, 2026 7:34 AM
To: Planning Department
Subject: [EXTERNAL] RE: [E] Agency Review - Aguilar - CUP 2026-005

No comments from BPUD.

Thank you,
Angela

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, February 27, 2026 2:29 PM
To: Benton Clean Air Agency - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Deon Steichen <deon.steichen@bentoncleanair.org>; john.lyle@bentoncleanair.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@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; deana.chiodo@bfhd.wa.gov; SZetz@ci.benton-city.wa.us; gress@ci.benton-city.wa.us; Angela Richman <richmana@bentonpud.org>
Cc: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Subject: [E] Agency Review - Aguilar - CUP 2026-005

[EXTERNAL EMAIL]

Good afternoon,

Attached you will find the necessary application materials for Juan Aguilar who is requesting a Conditional Use Permit for a painting business to be held within an existing detached shop at 22206 E Kennedy Road in Benton City.

Please review and provide any comments by **March 13, 2026.**

Have a wonderful weekend,

From: Code Enforcement
Sent: Monday, March 2, 2026 7:47 AM
To: Planning Department
Subject: RE: Agency Review - Aguilar - CUP 2026-005

Code Enforcement has several issues:

1. The application for the painting business in the detached shop exceeds 2000 sq. feet and does not comply with **BCC 11.11.060 (W)(4)** *The business activity, including all storage space, shall not occupy more than two thousand (2000) square feet of total floor area within the detached accessory building.*
2. Currently the single-family dwelling is being constructed (Building Permit 39635) The permit has correction that needed to be corrected on framing, and they do have an insulation inspection today. After those two inspections pass, they will need to pass a final inspection to receive certificate of occupancy to occupy the residence and comply with **BCC 11.11. 060 (W)(2)** *There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.*
3. The application #7 speaks of the size and type of signage to be used. The applicant listed 4ft x 4ft sign. Need confirmation on the type of sign to ensure they are not illuminated. The 4ft x 4ft sign does not meet the requirements in **BCC 11.11.060 (W)(6)** *No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited. 4ft x 4ft is 16sq. feet and exceeds the requirement listed above.*

Once the building meets the maximum used space for the business of 2000sq. feet, a Change of Use Permit is required through the Building Division in accordance with **2021 International Building Code Section 105 Permits-[A] 105.1 Required-** *Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.* The Change of Use permit will also allow the Benton County Fire Marshal confirm if any additional requirements are needed changing the use from a commercial dog kennel to the storing of paints and varnishes.

The applicant **Must** not operate or conduct business activities until all requirements are met and/or approved by the Community Development Department. There was previous code enforcement action with the applicant operating and using the building for business activities associated with the painting business. According to Code Enforcement Officer Lee, they complied during his last inspection of the property, and the case was closed (CE Case# 25-07-120)



Dale Wilson
Code Enforcement Supervisor
Benton County Washington
(509) 222-2301
Code.Enforcement@co.benton.wa.us

As a public agency, all our information is governed by laws such as Washington's Public Records Act RCW 42.56. Information sent and received become public record, and subject to public inspection, copying and release, if not otherwise protected by federal or State law.

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Sent: Friday, February 27, 2026 2:29 PM
To: Benton Clean Air Agency - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Deon Steichen <deon.steichen@bentoncleanair.org>; john.lyle@bentoncleanair.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@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; deana.chiodo@bfhd.wa.gov; SZetz@ci.benton-city.wa.us; gcross@ci.benton-city.wa.us; Angela Richman <richmana@bentonpud.org>
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Please review and provide any comments by **March 13, 2026.**

Have a wonderful weekend,

Nikki Relyea

Associate Planner

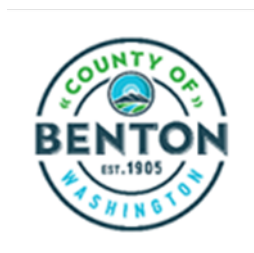
Benton County Community Development Department

Planning Division

Nikki.Relyea@co.benton.wa.us

Planning.Department@co.benton.wa.us

(509) 786-5612



From: Troy Taylor
Sent: Tuesday, March 3, 2026 11:14 AM
To: Planning Department
Subject: RE: Agency Review - Aguilar - CUP 2026-005

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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, February 27, 2026 2:29 PM
To: Benton Clean Air Agency - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Deon Steichen <deon.steichen@bentoncleanair.org>; john.lyle@bentoncleanair.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@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; deana.chiodo@bfhd.wa.gov; SZetz@ci.benton-city.wa.us; gress@ci.benton-city.wa.us; Angela Richman <richmana@bentonpud.org>
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Subject: Agency Review - Aguilar - CUP 2026-005

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Please review and provide any comments by **March 13, 2026.**

Have a wonderful weekend,

Nikki Relyea

Associate Planner

Benton County Community Development Department

Planning Division

Nikki.Relyea@co.benton.wa.us

Planning.Department@co.benton.wa.us

(509) 786-5612



From: Shane Elledge
Sent: Wednesday, March 4, 2026 9:15 AM
To: Planning Department
Subject: RE: Agency Review - Aguilar - CUP 2026-005

Good morning,

Public Works has no comments.

Thank you.



R. Shane Elledge, LSIT • *Engineering Associate*
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: Friday, February 27, 2026 2:29 PM
To: Benton Clean Air Agency - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Deon Steichen <deon.steichen@bentoncleanair.org>; john.lyle@bentoncleanair.org; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Cristina Woods <Cristina.Woods@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; deana.chiodo@bfhd.wa.gov; SZetz@ci.benton-city.wa.us; gress@ci.benton-city.wa.us; Angela Richman <richmana@bentonpud.org>
Cc: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Subject: Agency Review - Aguilar - CUP 2026-005

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Please review and provide any comments by **March 13, 2026.**

Have a wonderful weekend,



Fire Marshal Comments:

March 5, 2026
HEM 1.11

Nikki,

The proposed Conditional Use for a painting business will have to comply with the IBC and IFC. If the building exceeds 2500 sq. ft. it will have to comply with NFPA 1142 and need to have water on site for firefighting. If the building is used for spraying the spray area will be required to comply with chapter 24 of the International Fire Code and NFPA 33. Included with the requirements will be installing an engineered automatic fire suppression system, and an automatic exhaust system that interlocks with the spraying apparatus. These systems among many other requirements will be reviewed and approved by the Benton county Fire Marshal. Also required will be detailed plans prepared by a fire protection engineer.

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

Re: CUP 2026-005, Aguilar

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



NOTICE OF OPEN RECORD HEARINGS

HEM 1.12

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 17, 2026** 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.

CONDITIONAL USE PERMIT – CUP 2026-004 The applicant, Lexar Homes on behalf of Clinton and Anna Bush, is proposing to construct a 784 sq. ft. detached accessory dwelling unit on a parcel with an existing 3,702 sq. ft. single family residence. The project is located at 103730 Tatum Blvd, Kennewick, WA 99338.

CONDITIONAL USE PERMIT – CUP 2026-005 The applicant, Juan Aguilar, is proposing to operate a painting business within an existing detached shop on a parcel a single family dwelling. The proposed project is located at 22206 E Kennedy Road, Benton City, WA 99320.

CONDITIONAL USE PERMIT – CUP 2026-006 The applicants, Joshua and Marcia Walton, are proposing to construct an 800 sq. ft. detached accessory dwelling unit on a parcel with an existing 2,120 sq. ft. single family residence. The project is located at 50610 N Evert Road, Benton City, WA 99320.

CONDITIONAL USE PERMIT – CUP 2026-007 The applicant, Intrigue Custom Homes on behalf of William and Cheryle Brasker, is proposing to construct a 796 sq. ft. detached accessory dwelling unit on a parcel with an existing 2,433 sq. ft. single family residence. The project is located at 2422 S 38th Avenue, West Richland, WA 99353.

VARIANCE PERMIT – VAR 2026-001 The applicants, Robert and Helen Burke, are requesting to construct an attached RV garage to an existing residence and encroach 15 feet into the required 25 foot setback. The project is located at 36001 S Valley Vista PR SE, Kennewick WA 99338.

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, 2026** 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 March, 2026.

PUBLICATION DATE: April 1, 2026

SUSAN E. DRUMMOND
Benton County Hearings Examiner

Damien Hooper – Planning Manager
Community Development Department