

**EXHIBIT LIST FOR CUP 2020-005
Lamm, ADU**

Hearings Examiner Staff Memo Exhibit List - June 15, 2020			
HEM	HEM 1.1	Staff Report	June 8, 2020
	HEM 1.2	Vicinity map	
	HEM 1.3	Application Materials	April 6, 2020
	HEM 1.4	Revised site plan	June 4, 2020
	HEM 1.5	Written Determination of Completeness	April 7, 2020
	HEM 1.6	Agency review request	April 22, 2020
	HEM 1.7	Comment from Benton PUD	April 22, 2020
	HEM 1.8	Comment from Benton County Code Enforcement	April 22, 2020
	HEM 1.9	Comment from Benton County Public Works	April 22, 2020
	HEM 1.10	Comment from Kennewick Irrigation District	May 5, 2020
	HEM 1.11	Updated agency review request (with revised site plan)	June 4, 2020
	HEM 1.12	Updated comment from Benton PUD	June 4, 2020
	HEM 1.13	Notice of Open Record Hearing	May 29, 2020
	HEM 1.14	Affidavit of Publication	
	HEM 1.15		
Exhibits Submitted During Hearing or while record remained open			
HEH	HEH 1.1		
	HEH 1.2		
	HEH 1.3		
	HEH 1.4		
	HEH 1.5		
	HEH 1.6		
	HEH 1.7		
	HEH 1.8		
	HEH 1.9		
	HEH 1.10		

Planning Department

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Kennewick Office: 102206 East Wiser Parkway

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Lamm: Accessory Dwelling Unit**

FILE NO: CUP 2020-005

HEARING DATE: June 15, 2020

APPLICANT/OWNER: Larry and Estella Lamm, 5650 Leilani Drive, West Richland, WA 99353

LOCATION: General Location: The property is located north of I-82, east of the SR 224/ Kennedy Road intersection, along the north side of Kennedy Road
Address: 22908 East Kennedy Road Benton City, WA 99320
Legal: 2003 Valley Quality Country Cottage 27 X 56: Section 16, Township 9 North, Range 27 East, W.M.
Parcel Number: 1-1697-301-2556-001.

PROPERTY SIZE: approximately 2.81 acres

AREA TO BE USED: Not to exceed 731 square feet

LAND USE: Residential

ZONING: Rural Land 5 Acre

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

Planning Department recommends approval of the application request, subject to the suggested Findings of Fact and Conditions of Approval outlined in this Staff Report.

APPLICATION DESCRIPTION:

The applicant is requesting a Conditional Use Permit to construct a 728 sq. ft. Accessory Dwelling Unit (ADU) on a lot with an existing single-family dwelling at 22908 East Kennedy Road in Benton City.

The property is approximately 2.81 acres in size and is zoned Rural Lands 5 District.

The proposed detached ADU will be accessory to an owner-occupied single-family home, will be limited to 731 square feet in size based on the size of the main home, and contain no more than one (1) bedroom as directed in the Benton County Code.

The site consists of a single-family 1828 sq. ft. mobile home and a 1248 sq. ft. detached garage. The ADU is proposed to be placed north of the single-family home and will be approximately 26' X 28'.

PUBLIC NOTICE:

1. The application for CUP 2020-005 was submitted to the Benton County Planning Department on April 6, 2020
2. The application was declared complete for processing on April 7, 2020.
3. The application documents were distributed to reviewing agencies on April 22, 2020.
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2020-005 was published on June 3, 2020 in the Prosser Record Bulletin.
5. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on June 3, 2020.
6. The Open Record Hearing is scheduled for June 15, 2020.

APPLICABLE STANDARDS/ORDINANCES:

1. *Revised Code of Washington*
RCW 36.70A.390, Accessory Apartments
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)

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.

Benton County Comprehensive Plan

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*, Chapter 11.03 Definitions.

11.03.010 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.

4. *Benton County Code*, Chapter 11.42 General Use Regulations

11.42.020 ACCESSORY DWELLING UNITS (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.

(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. 11.42.030 11-180 (BCC 12/20/18)

(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 appearance and character of an accessory use.

5. *Benton County Code*, Chapter 11.50.040 Conditional Use.

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.

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.

AGENCY COMMENTS:

- 1. The application documents were distributed to the following reviewing agencies on April 22, 2020.

Benton PUD	Benton-Franklin Health District
Benton County Building Department	Benton County Fire District #4
Benton County Fire Marshal	Benton County Code Enforcement
Benton County Public Works Department	Kennewick Irrigation District

- 2. Agency comments were received from:
 - a. Benton PUD (HEM 1.7)
 - b. Benton County Code Enforcement (HEM 1.8)
 - c. Benton County Public Works (HEM 1.9)
 - d. Kennewick Irrigation District (HEM 1.10)

After a revised site plan (HEM 1.11) was received from the applicants on June 4, 2020, it was sent to the Benton PUD and Benton Franklin Health District for a re-review. Benton PUD replied with an updated comment. (HEM 1.12)

- 3. Benton County Planning Department
 The following are general comments and discussion points from the Planning Department:
 - a. The lot is zoned Rural Lands Five Acre (RL-5) District.
 - b. The lot is designated Rural Remote by the Benton County Comprehensive Plan.
 - c. Surrounding Land Uses: Similar in nature to the applicant's property, the adjoining properties to the west, and east involve single-family homes with residential accessory uses. The 41-acre parcel to the north of the property is currently in agricultural use with Kennedy road and I-82 located to the south.
 - d. SEPA: A proposal for a single ADU is exempt from a State Environmental Policy Act checklist and review.
 - e. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.

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 2020-005 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:

The County Finds the following:

1. The applicant requests to construct a 728 sq. ft. Accessory Dwelling Unit on a lot with an existing single-family dwelling at 22908 East Kennedy Road Benton City, WA 99320
2. The applicants and owners are Larry and Estella Lamm whose mailing address is 5650 Leilani Drive, West Richland, WA 99353.
3. The property is located north of I-82, east of the SR 224/ Kennedy Road intersection, along the north side of Kennedy Road at 22908 East Kennedy Road Benton City, WA 99320 (Parcel Number 1-1697-301-2556-001).
4. The property is approximately 2.81 acres in size and is zoned Rural Lands 5 Acre (RL-5) District.
5. The proposed detached ADU will be accessory to an owner-occupied single-family home, will be limited to 731 square feet in size, and contain no more than one (1) bedroom as directed in the Benton County Code.
6. The site consists of a single-family 1828 sq. ft. mobile home and a 1248 sq. ft. detached garage. The ADU is proposed to be placed north of the single-family home and will be approximately 26' X 28'.
7. Public notice and application requirements have been completed for the conditional use permit request as follows:
 - a. The application for CUP 2020-005 was submitted to the Benton County Planning Department on April 6, 2020
 - b. The application was declared complete for processing on April 7, 2020.
 - c. The application documents were distributed to reviewing agencies on April 22, 2020.
 - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2020-005 was published on June 3, 2020 in the Prosser Record Bulletin.
 - e. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on June 3, 2020.
 - f. The Open Record Hearing is scheduled for June 15, 2020.
8. The proposed detached ADU is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
9. The detached ADU must comply with Benton County Building Department standards and requirements, as per the Conditions of Approval.
10. The application for CUP 2020-005 is consistent with the Growth Management Act, RCW 36.70A, including RCW 36.70A.390.
11. The application for CUP 2020-005 is consistent with RCW 43.63A.215 (3) *Accessory apartments*.

12. The application for CUP 2020-005 is consistent with the goals and policies of the Benton County Comprehensive Plan.
13. The application for CUP 2020-005 is consistent with the requirements included in the Benton County Zoning Code.
14. The application for CUP 2020-005 is consistent with the requirements in Benton County Code (BCC), Title 11 Zoning, Chapter 11.42 General Provisions, Section(s) 11.42.020 (a) Accessory Dwelling Units (ADU), as follows:
 - (1) *One (1) accessory dwelling unit is allowed per parcel/lot.*
 - a. One (1) detached ADU is proposed for the subject property.
 - (2) *A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.*
 - a. A single-family dwelling is located on the parcel/lot where the detached ADU 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.*
 - a. The single-family home is approximately 1828 sq. ft. mobile home.
 - b. Forty percent 40% of 1828 square feet is 731.2 square feet. With this, the detached ADU shall be no greater in size than 731.2 square feet.
 - c. The applicant is proposing approximately 728 square feet in the application request.
 - (4) *The accessory dwelling unit shall consist of no more than one (1) bedroom.*
 - a. The detached ADU will have one (1) bedroom.
 - (5) *The accessory dwelling unit shall provide two (2) off-street parking spots.*
 - a. The applicant is proposing two (2) parking spots to serve the detached ADU.
 - (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.*
 - a. The proposal is to construct a 728 sq. ft. ADU.
 - b. The proposed ADU would be 26' x 28'.
 - (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.*
 - a. The lot/parcel is improved with a home and detached accessory building.
 - b. No additional dwelling or housing units exist or are proposed.
 - (8) *The accessory dwelling unit is not allowed to be used in the operation of a home occupation.*
 - a. A home occupation is not planned nor proposed to be operated in the detached ADU.
 - (9) *The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.*
 - a. The detached ADU must comply with BFHD standards as per the Conditions of Approval.

- (10) *The accessory dwelling unit shall meet and comply with Benton County Fire Marshal requirements for access.*
 - a. The detached ADU complies with Fire Marshal standards.
- (11) *The accessory dwelling unit may be permitted as either a ground floor or 2nd floor unit.*
 - a. The detached ADU will be a ground floor unit.
- (12) *Either the accessory dwelling unit or the single-family dwelling shall be occupied by the landowner(s) as their primary residence. The landowner shall maintain residency in the primary house at least six (6) months out of the year and at no time receive rent for, or otherwise allow anyone to occupy the landowner(s) unit when absent the rest of the year.*
 - a. At the time of application, the parents of the owner of the property plan to reside in the ADU as their primary dwelling and the owner will reside in the existing single-family dwelling.
- (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 the applicable portions of the Benton County Code for detached ADU's is required.*
 - a. This standard is not applicable to the submitted application.
- (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 the Benton County Code.*
 - a. The detached ADU complies with building department requirements, fire marshal requirements.
 - b. The detached ADU complies with Benton County critical area, shoreline master program, and zoning regulations.
- 15. The application for CUP 2020-005 is consistent with requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.42 General Provisions, Section 11.42.020 (c)(2)(i) which states "The detached ADU may be constructed within an existing outbuilding" or be a stand-alone structure, "where the dwelling unit does not share a common wall with the primary single-family dwelling."
 - a. The applicant plans to construct a 728 sq. ft. building as a stand-alone structure.
- 16. The application for CUP 2020-005 is consistent with requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.42 General Provisions, Section 11.42.020(c)(2)(ii) which states "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 appearance and character of an accessory use."
 - a. The detached ADU is proposed to be placed north of the Single-Family Home. With the placement of the home and detached garage, the accessory building will be difficult to see from Kennedy Road.
 - b. The County believes the proposed door layout of the structure is adequate for its location and situation, subject to compliance with the findings of fact and conditions of approval.
- 17. The application is consistent with requirements in Benton County Code (BCC), Title 11 Zoning, Chapter 11.42 General Provisions, Section(s) 11.42.020 (d) which states "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".
 - a. The County will provide the applicant an ADU agreement/permit to be signed, notarized and

recorded by the applicant with the Benton County Auditor's Office.

18. The application is consistent with the requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.50.040 (d) which state the Findings of Fact the Hearings Examiner must make in order to grant the request.

Specific to this permit application, the County finds:

- a. The proposed detached ADU is compatible with other uses in the surrounding area and is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- b. 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;
- c. The proposed detached ADU's pedestrian and vehicular traffic 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;
- d. The proposed detached ADU will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- e. 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:

If the Hearings Examiner decides to approve Conditional Use Permit request CUP 2020-003 then the following are suggested conditions recommended by the Planning Department:

Any conditions imposed by the Hearings Examiner shall be completed prior to the Planning Department issuing the Conditional Use Permit. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Conditional Use Permit shall not become effective until issued by the Planning Department.

If the conditions of approval have not been met and the Planning Department 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.

1. All required development permits shall be obtained prior to occupancy of the detached ADU. This includes approval of permits required by the following, as applicable:
 - a. Benton County Building Department; for Building Permits
 - b. Benton County Fire Marshal; for Fire and Safety regulations
 - c. Benton County Planning Department; for Rural Water Supply Program Certificate
2. Either the detached ADU 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 others to occupy the landowner(s) unit when absent the rest of the year.
3. One (1) ADU is allowed per parcel/lot.

4. The detached ADU shall not exceed 731 square feet in size.
5. The detached ADU shall not have more than one (1) bedroom.
6. The detached ADU shall be occupied by not more than one (1) household as living accommodations.
7. The detached ADU is not allowed to be used in the operation of a home occupation.
8. The detached ADU must be located on the same lot as a single-family dwelling.
9. Benton Franklin Health District requires:
 - 1) the accessory dwelling is served by a single family well or an approved public water supply in accordance with WAC 246-291; and
 - 2). The accessory dwelling will be served by an on-site sewage disposal system that is permitted, installed, and approved in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.
10. Two (2) off street parking spaces shall be provided to serve the detached ADU.
11. A duplex, multi-family dwelling, a temporary dwelling permit, a multiple detached dwelling permit, or two (2) or more single-family dwellings is not to be permitted on a lot/parcel with an ADU.
12. The applicant shall apply for a road approach permit from the Benton County Public Works Department and meet all requirements of that department.
13. The County will provide an ADU agreement/permit to the applicant. The applicant shall sign, notarize, and record the document with the Benton County Auditor's Office. 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.
14. 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 to other enforcement mechanisms.

The applicant/permit holder shall continue to meet all conditions of approval while CUP 2020-005 is in effect.

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CONDITIONAL USE PERMIT APPLICATION

File No. CUP 2020-005

RECEIVED

APR 06 2020

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent: Larry Lamm / Estella Lamm
Mailing Address: 5650 Heilanie Drive City: West Richland
State: WA ZIP: 99353 Phone: 509-366-8547 Work: _____
Email Address: lw1amm1@frontier.com
Signature: Larry W. Lamm Date: 4/4/2020
~~11/3/2020~~

Property Owner(s) (if different): Same as above
Mailing Address: _____ City: _____
State: _____ ZIP: _____ Phone: _____ Work: _____
Email Address: _____
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

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 law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

PARCEL INFORMATION

1. Subject property address: 22908 E Kennedy Rd

City: Benton City State: WA ZIP: 99320

2. Parcel number: 1-1697-301-2556-001 3. Acreage: 3

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

5. Utilities: Power: Benton PUD Benton REA

Sewer: Septic Tank City Sewer: (Provider) _____

Water: Individual Wells One well serving 2-4 lots One well serving 5+ lots

Private System (Provider & Address) _____

City System (Provider) _____

Gas: No Yes: (Provider) _____

Cable: No Yes: (Provider) _____

Phone: No Yes: (Provider) _____

Irrigation: No Private District: (Provider) _____

6. Present use of property: Single Family Dwelling

7. What is the proposed use? Install a detached accessory dwelling unit (ADU) ^{with two-car garage} behind the existing home on the property for use by the property owner (Larry & Estella Lamm) who are in their late 70s.

8. Will only one detached building to be used for the proposed use? Yes No

9. Will the project be conducted entirely inside of a building? Yes No

If no, explain what outdoor activities would occur: _____

10. What is the total area, including storage that will be used? 730 sq ft

11. Does one of the business proprietors own/lease the property where the proposed business is located? Yes No

12. Is there a residence on site? Yes No

a) Does one of the proprietors live in the residence on site? Yes No

13. Total number of employees (who do not live on site)? N/A

Any information submitted to the Benton County Planning Department 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.

14. Proposed days and hours of operation (including employee hours)?

Days: N/A Hours: N/A

a) Will the operation be seasonal? Months of operation: N/A

15. Will you have a sign? Yes No

If yes, please answer the following and attach a drawing of the proposed signage

a) Number of sign(s)? _____

b) Height of sign(s)? _____

c) Dimensions of sign(s)? _____

d) Location of sign(s)? _____

e) Will the sign(s) be illuminated? Yes No

16. How many vehicles will be labeled to identify the proposed use? None

17. How many parking spaces will be provided? Existing: _____ Proposed: 2 Surface Type: concrete

18. What is the name of the access road to the property? Kennedy Road

a) Is the road a: County Road State Highway Private Road

b) Is the road constructed out of: Pavement Gravel

19. Is any outdoor lighting proposed? Yes No

a) Where will it be located? on ADU garage and in yard

20. Are you proposing any site screening and/or fencing?

Yes (If yes, please show on site plan map) No

a) What type and where will it be located? Picket fence around ADU

21. Additional comments or information: We are planning ^{on} building a 26'x28' detached ADU for use by the ^{24'x28' detached garage} property owners for residence in the latter years of their life - they are both near 80 years old.

IF FURTHER EXPLANATION IS NEEDED FOR ANY OF THE QUESTIONS PLEASE ATTACH ADDITIONAL PAGES.

(FOR STAFF USE ONLY)

Application Complete: Y N

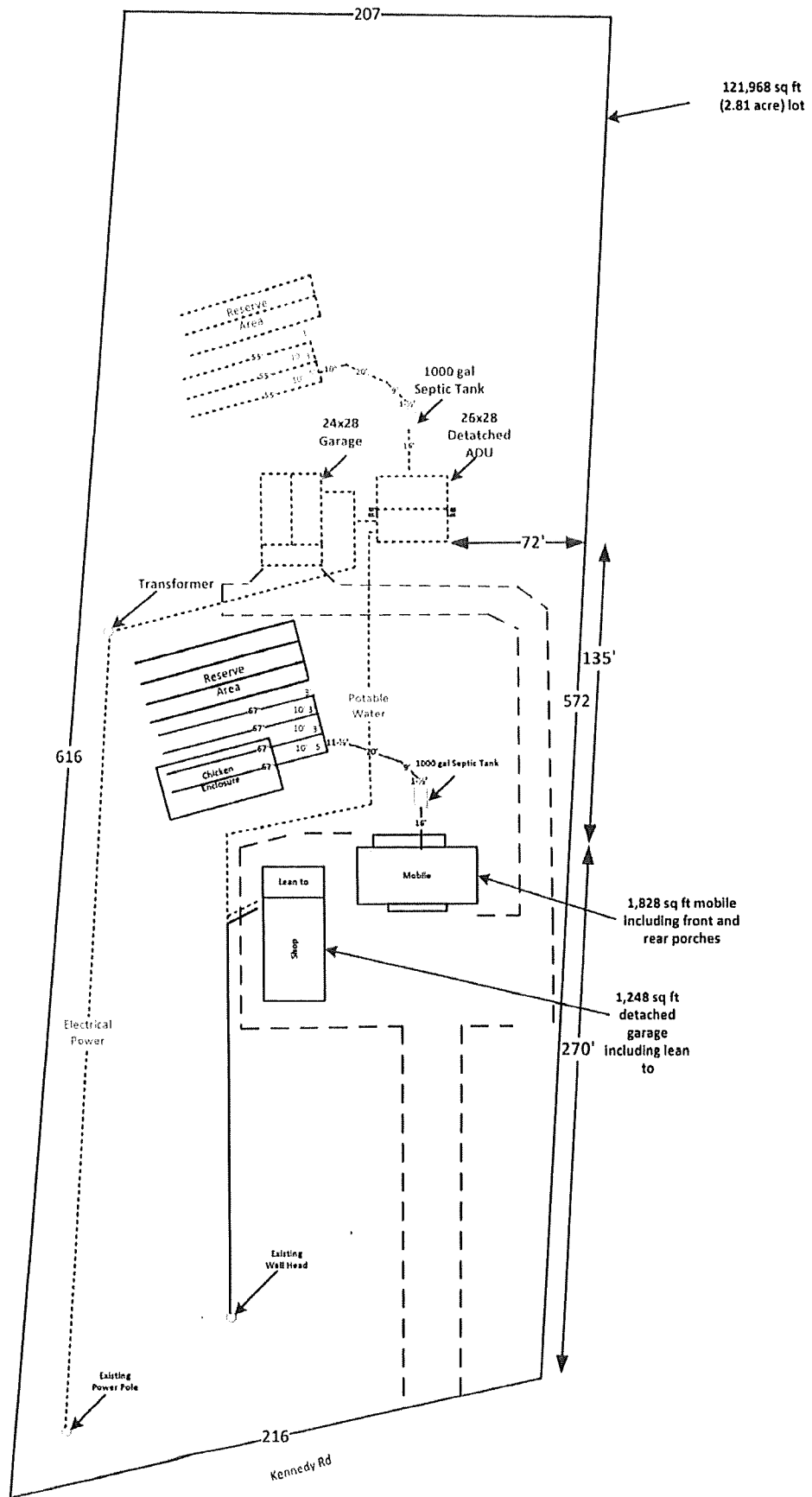
Critical Areas: N Y: _____

Zoning: _____

Reviewed by: _____

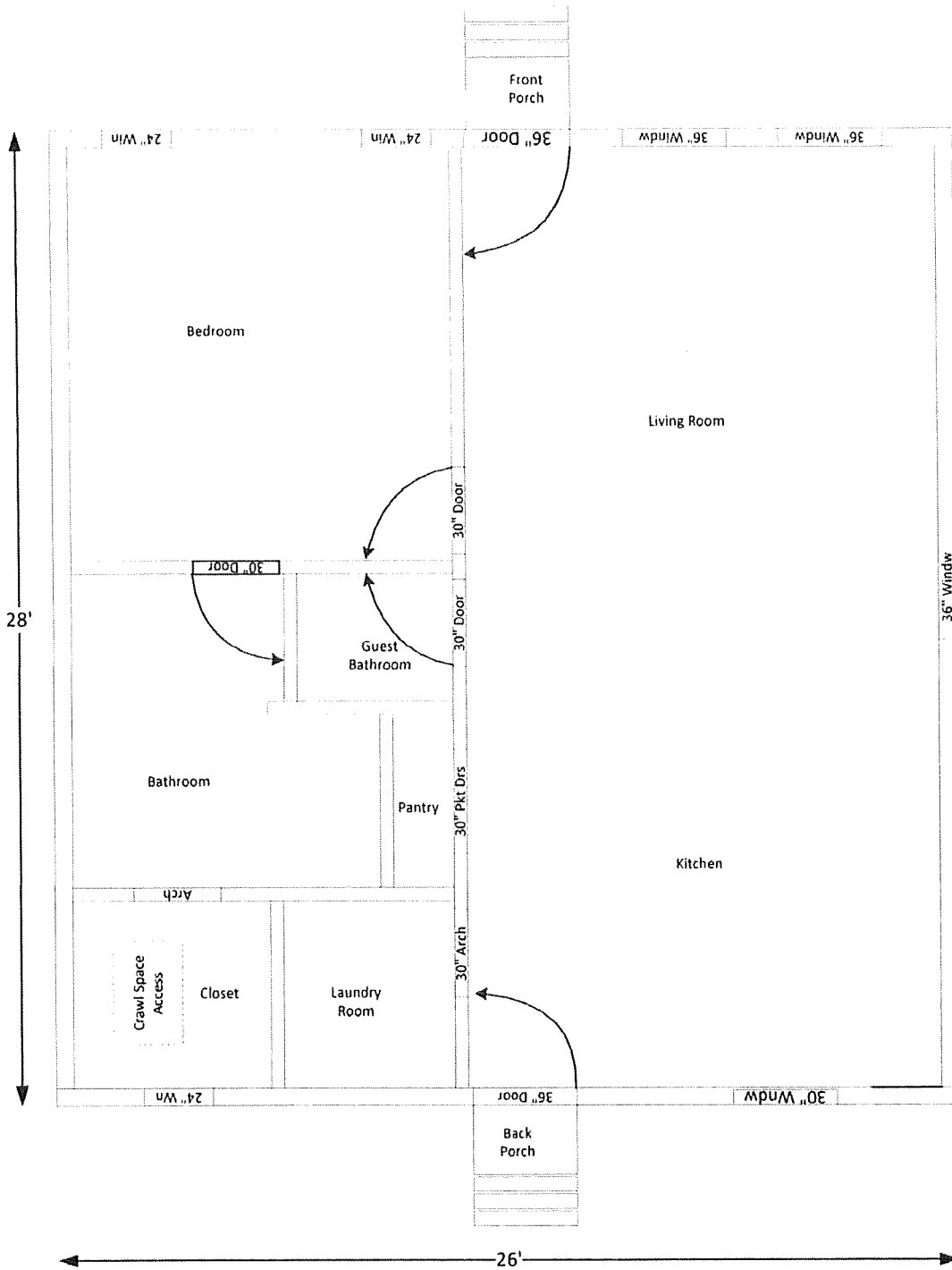
Date: _____

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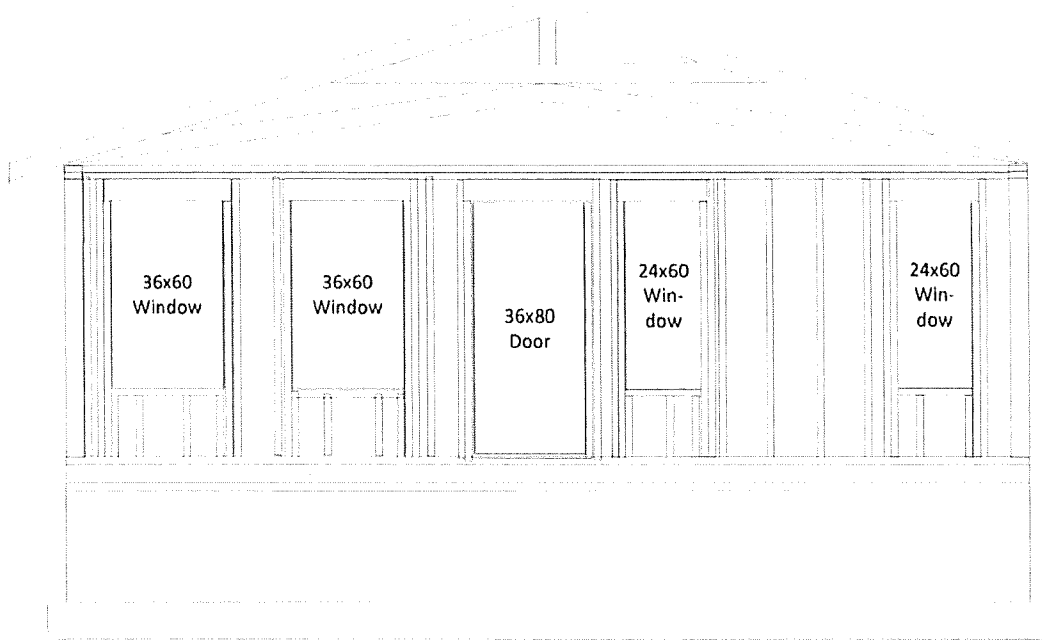
22908 E Kennedy Rd – Detached ADU Location

received w/app

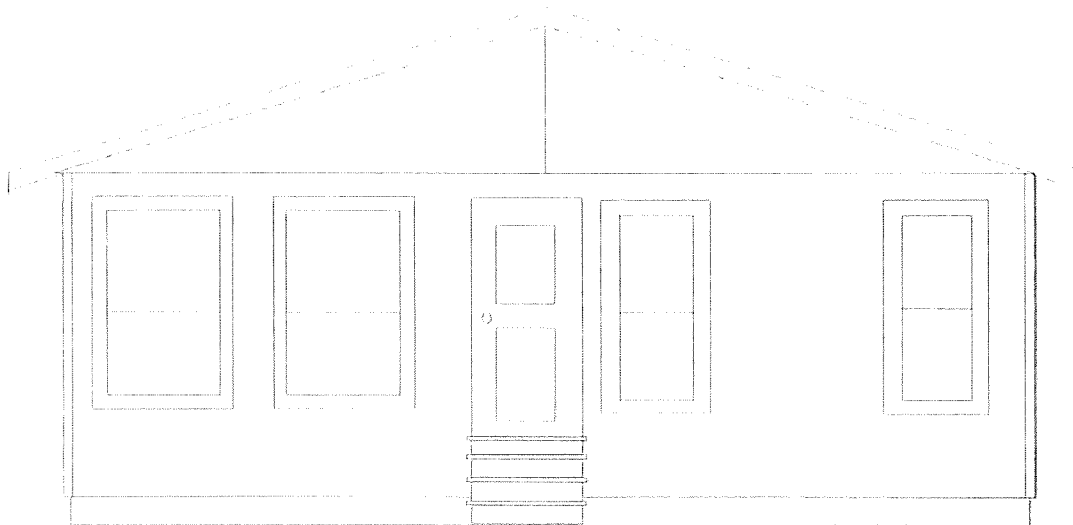


22908 E Kennedy Rd Detached Accessory Dwelling Unit
 Floor Plan Layout on Concrete Foundation

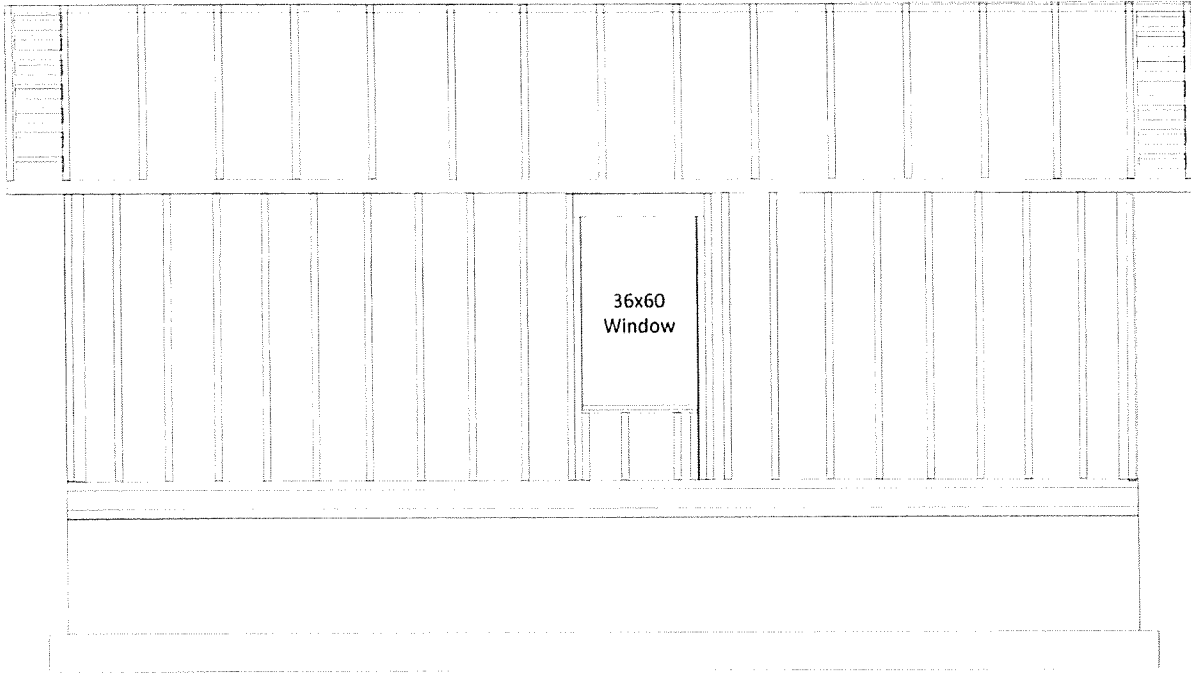
received w/ app



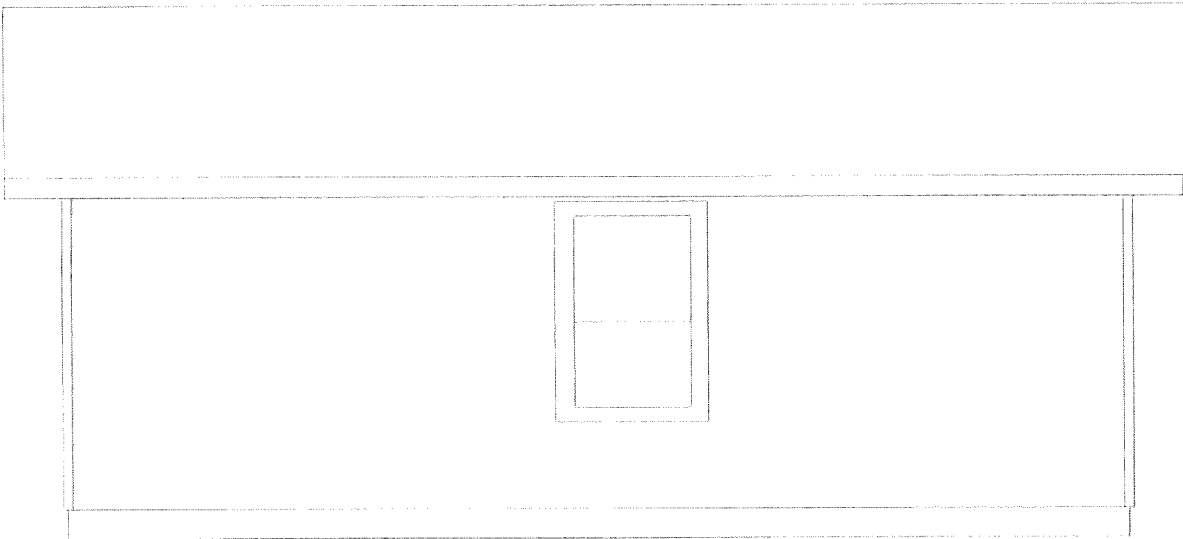
22908 E Kennedy Rd Detached Accessory Dwelling Unit
Front Framing Layout on Concrete Foundation



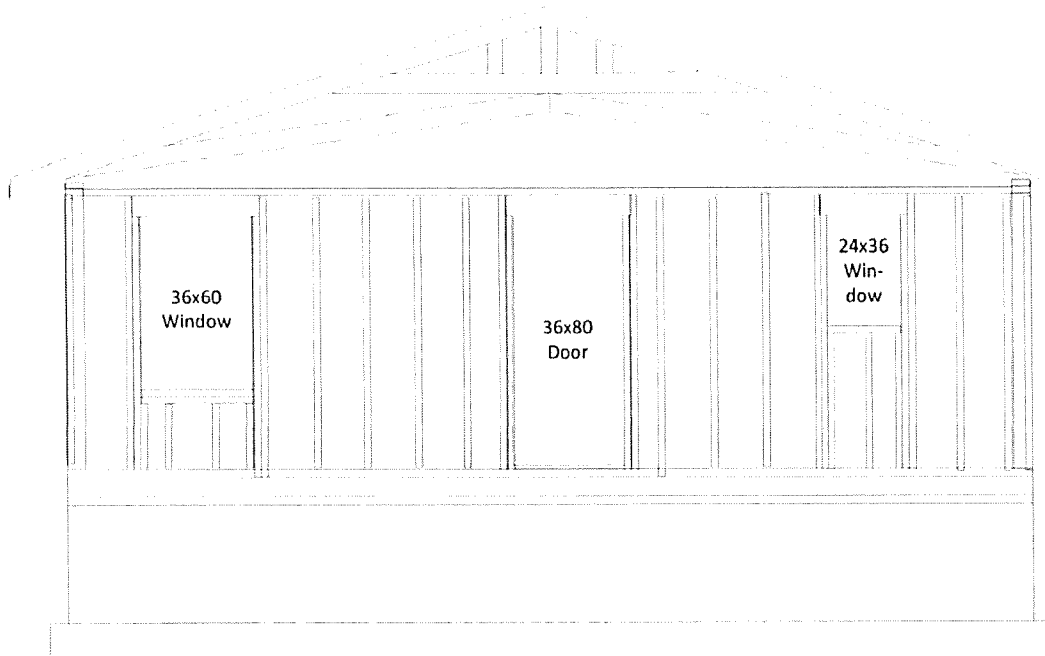
22908 E Kennedy Rd Detached Accessory Dwelling Unit
Front View



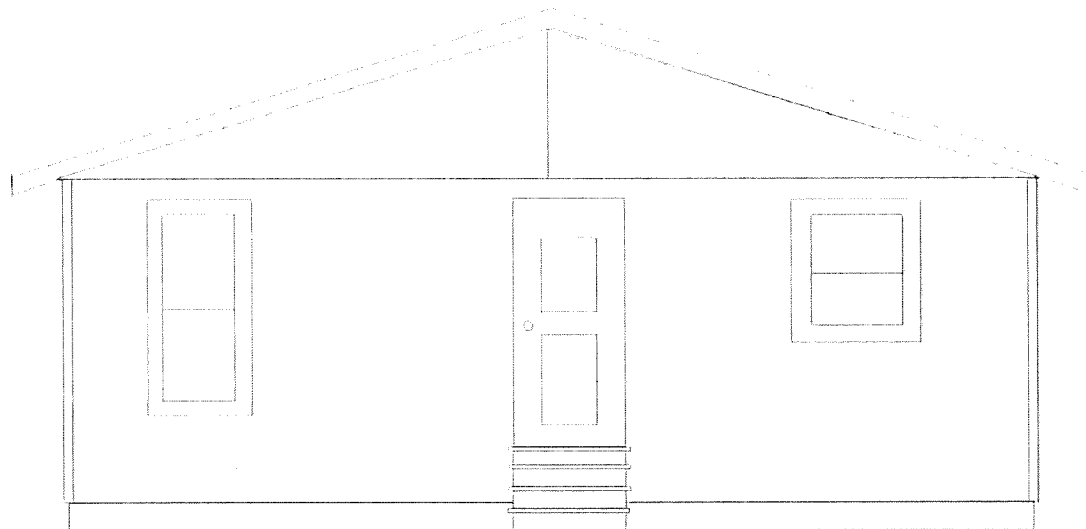
22908 E Kennedy Rd Detached Accessory Dwelling Unit
Right Side Framing Layout on Concrete Foundation



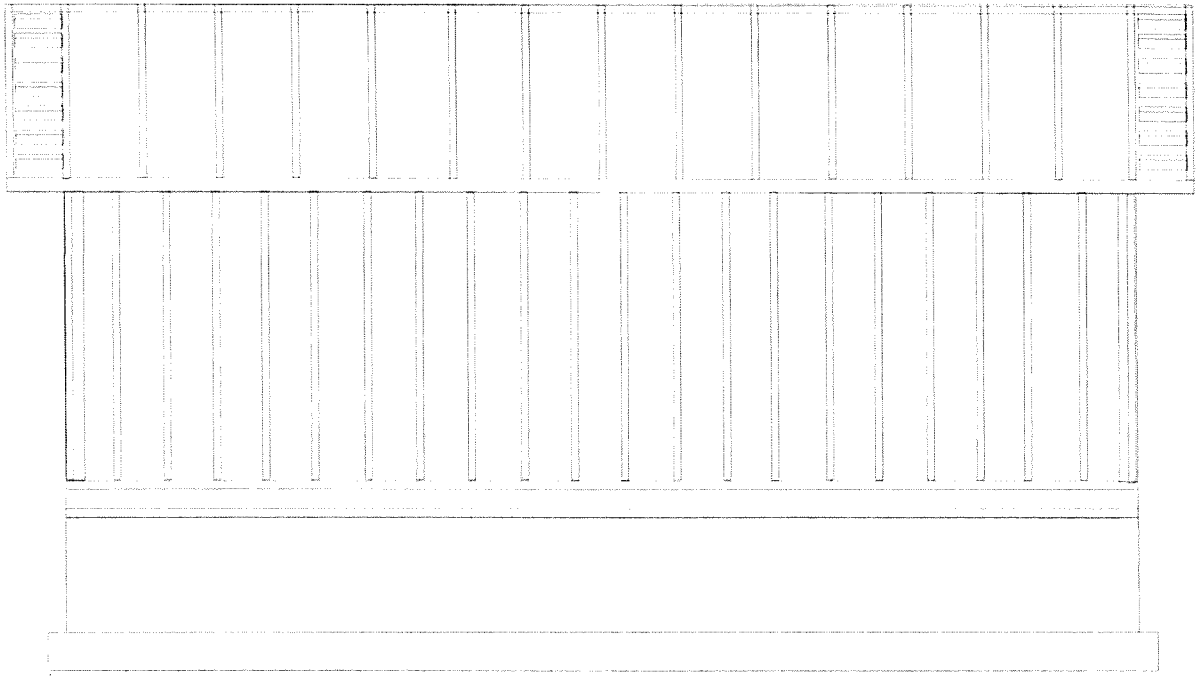
22908 E Kennedy Rd Detached Accessory Dwelling Unit
Right Side View



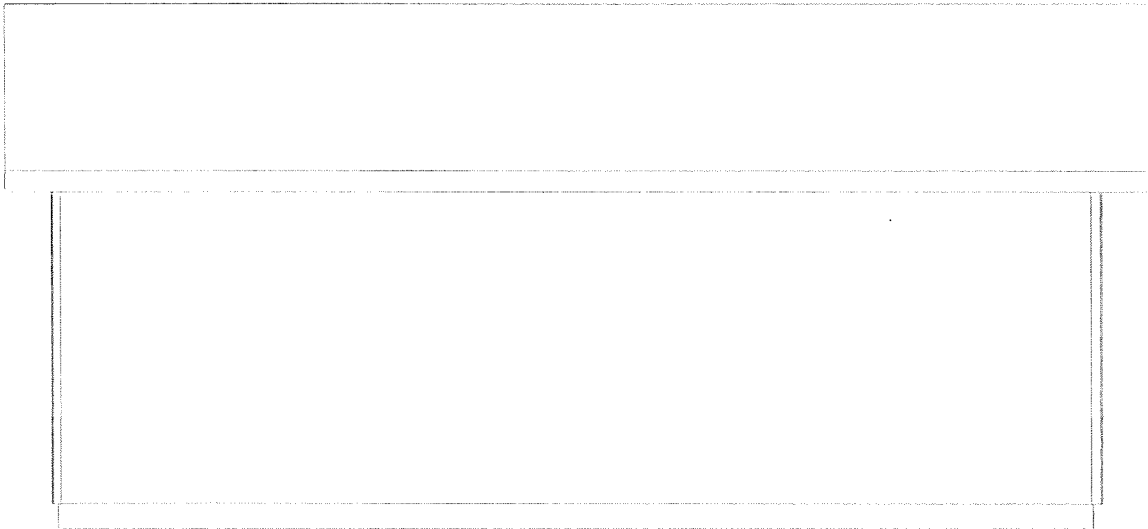
22908 E Kennedy Rd Detached Accessory Dwelling Unit
Rear Framing Layout on Concrete Foundation



22908 E Kennedy Rd Detached Accessory Dwelling Unit
Rear View



22908 E Kennedy Rd Detached Accessory Dwelling Unit
Right Side Framing Layout on Concrete Foundation



22908 E Kennedy Rd Detached Accessory Dwelling Unit
Left Side View



BENTON-FRANKLIN HEALTH DISTRICT
7102 W OKANOGAN PLACE
KENNEWICK, WA 99336

Sewage Disposal System Construction
Permit

Owner: Lamm, Larry W
3905 E Corral Creek Rd
Benton City, WA
99320

Permit Number: 25102
Date Permit Issued: March 9, 2020
Date Permit Expires: March 8, 2020
County: Benton

Location Information

Property Address: 22908 E Kennedy Rd
City: Benton City
Parcel Number: 1-1697-301-2556-001
Subdivision/Legal: SP 2556
Block:
Lot: 1

This system shall be installed by a licensed installer and be inspected and approved by the Benton-Franklin Health District before being covered. This permit shall expire one year from the date of issuance.

This permit has been issued based upon presently known site conditions and the information contained on the permit application. Any construction taking place on said property must be as indicated on the permit or revocation of this permit may result. This permit is subject to all applicable zoning laws and it is the permittee's responsibility to comply with said laws prior to system installation. All construction taking place shall be in compliance with Benton-Franklin Health District Rules and Regulations No. 2.

General Information

Type of Structure: Single Family
Designed by: Homeowner
Type of System: Conventional Gravity
Treatment Level: E
Number of Bedrooms: 2
Average Daily Flow: 180
Maximum Daily Flow: 240

Pretreatment Information

Septic Tank Size: 1000 gal.
Depth of Burial: 0-6 inches
Outlet Baffle Filter: No
Pump Chamber Size:
Dose Volume:
Reserve Volume:


Drainfield Information

Drainfield size: 600 f²
Drainlines length: 67 feet
Drainlines number: 3
Maximum trench depth: 36 inches
Aggregate depth: 12 inches
Distribution: Distribution Box

Conditions

- Follow approved plot plan, maintain all setbacks.
- Maintain 100' minimum from subsurface sewage disposal system to all wells.
- Maintain 50' minimum from septic tank to all wells.
- Maintain positive drainage away from the drainfield.

This permit to install an on-site sewage system is granted in accordance with Benton-Franklin District Board of Health Rules and Regulations No. 2.



Jollee Peyton
Environmental Health Specialist

Amy Person M.D.
District Health Officer

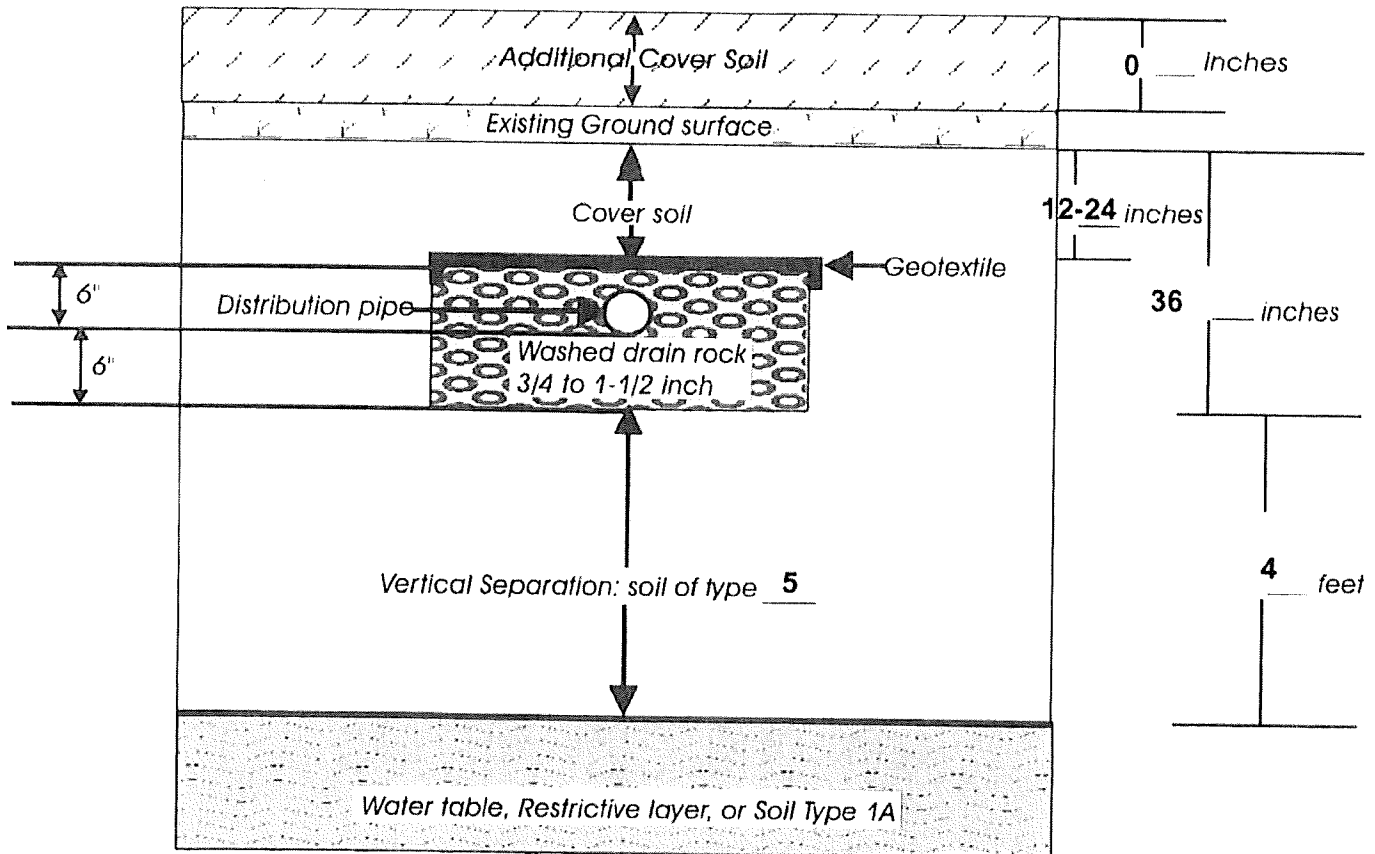


Benton Franklin Health District

7102 W. Okanogan Place
 Kennewick WA 99336
 (509)460-4205

Water Supply: SFW
Parcel ID#: 1-1697-301-2556-001
Property Owner: Larry Lamm
Permit #: 25102

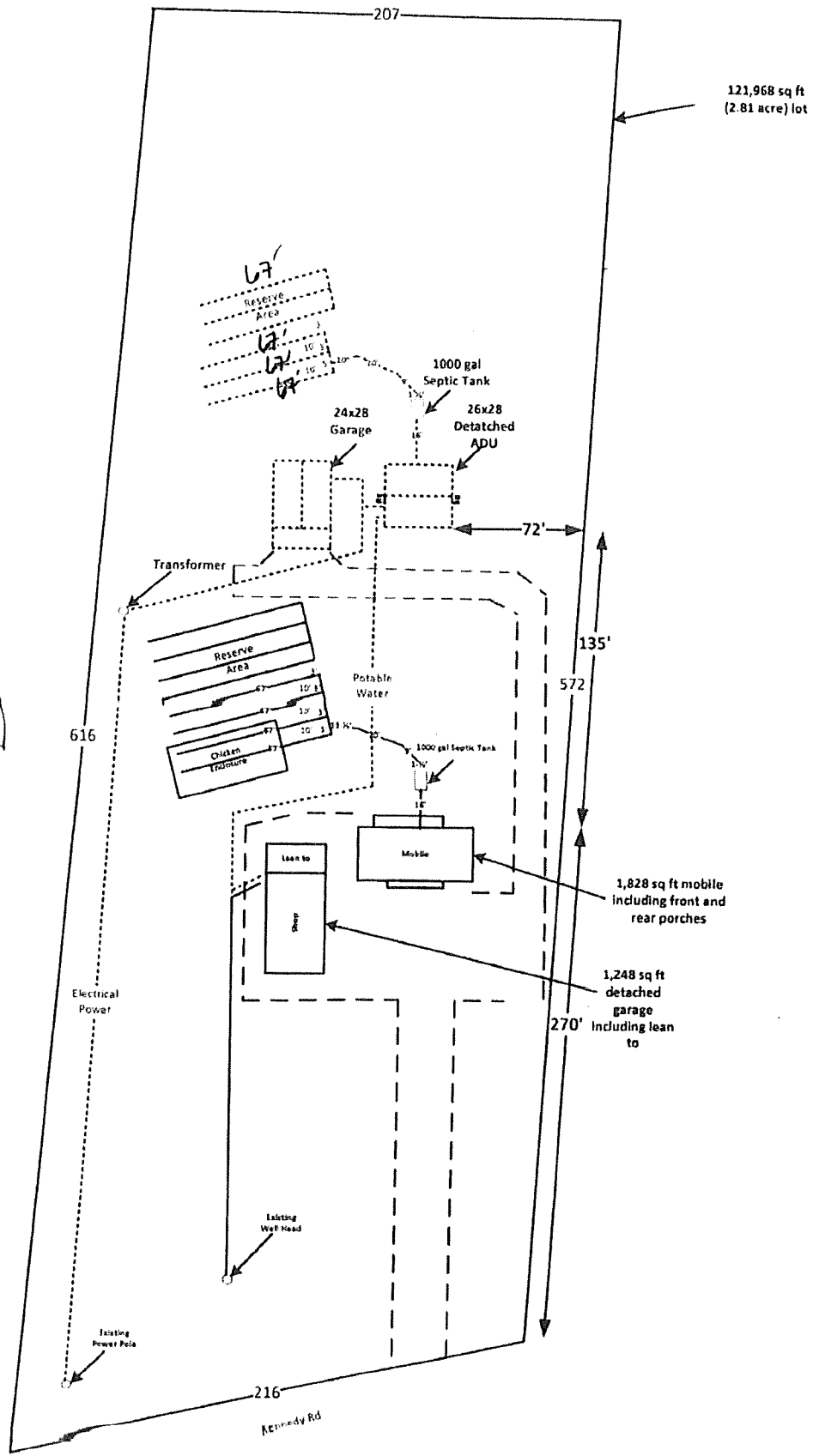
DRAINFIELD CROSS-SECTION



Comments:

Environmental Health
 7102 W. Okanogan Place
 Kennewick WA 99336
 Phone: (509) 460-4205

Pasco Office
 412 W. Clark Street
 Pasco WA 99301
 Phone: (509) 547-9737



121,968 sq ft
(2.81 acre) lot

Slope ↑

616

135'

572

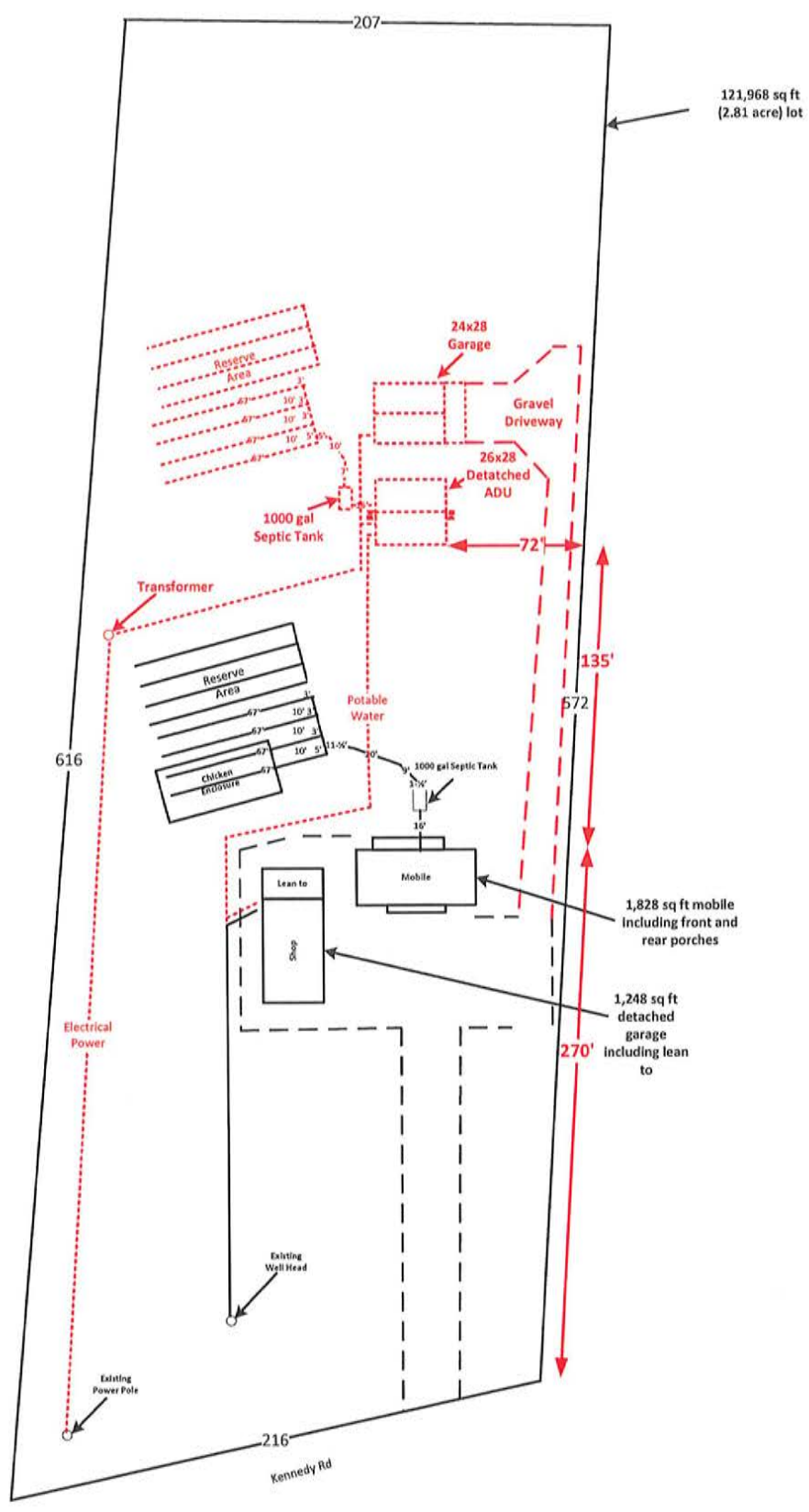
270'

216
Kennedy Rd

426
28
208
42
229

22908 E Kennedy Rd – Detached ADU Location

Benton Co. Planning Dept.
RECEIVED
JUN 04 2020
Benton Co. Planning Dept.

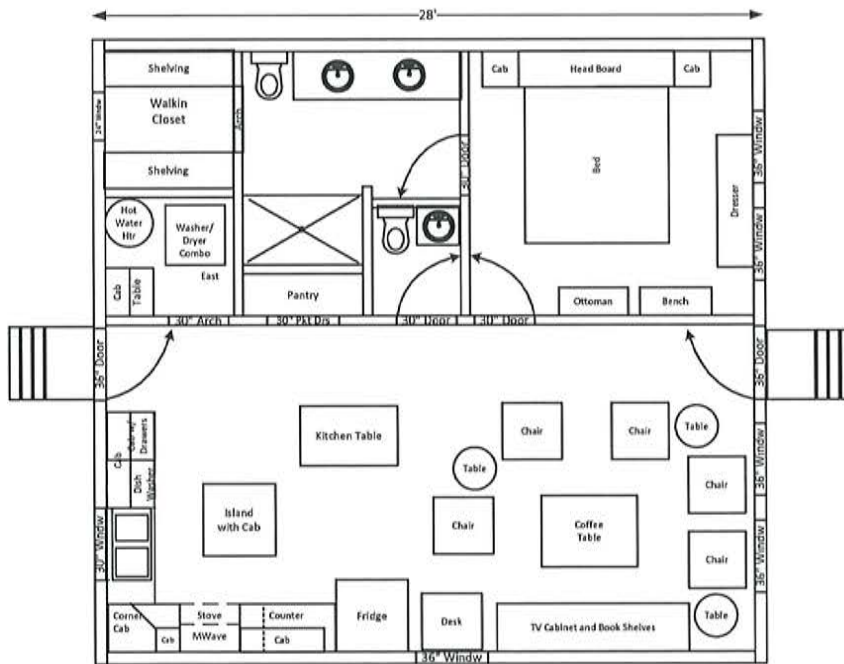
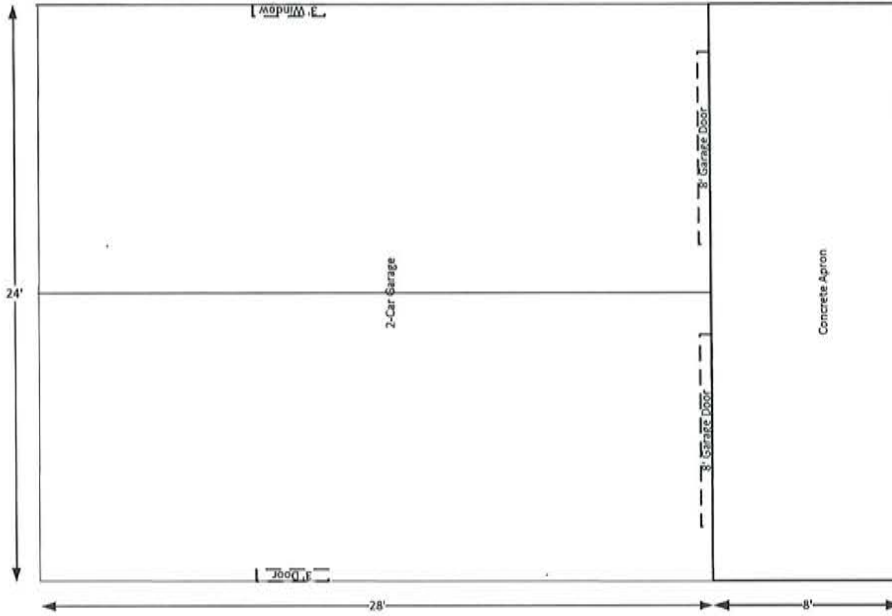
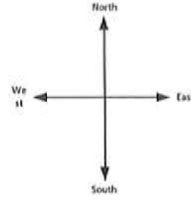


22908 E Kennedy Rd – Detached ADU Location

RECEIVED

JUN 04 2020

Benton Co. Planning Dept.



Planning Department

(509) 786-5612
P.O. Box 910
Prosser, WA 99350



www.co.benton.wa.us

planning.department@co.benton.wa.us

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

April 7, 2020

Larry & Estella Lamm
5650 Leilanie Drive
West Richland, WA 99353

RE: Conditional Use Permit
Determination of Complete Application
File # CUP 2020-005

Dear Mr. and Mrs. Lamm,

This office is in receipt of your project permit application for a Conditional Use Permit. Upon reviewing the materials, this office has determined that the required materials have been submitted and your application is complete. The review process will begin on your application and agencies will be given a comment period to review your application. You may hear from those agencies directly, please work with them to meet their requirements. Prior to the Open Record Hearing on your project, you will receive a public hearing notice and a staff memo.

Although this office has determined that your application is complete, more clarification or information may be needed from you during the review process. If additional information is required, it will need to be submitted to our office before your application can be heard at the Open Record Hearing.

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

Sincerely,

Greg J. Wendt, Planning Manager
Benton County Planning Department

Planning Department
(509) 786-5612
P.O. Box 910
Prosser, WA 99350



www.co.benton.wa.us
planning.department@co.benton.wa.us
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

April 22, 2020

Benton County Public Works Department
Benton Franklin Health District
Benton County Fire District 4
Benton County Building Department
Benton County Fire Marshal
Benton County Code Enforcement
Benton PUD
Kennewick Irrigation District

RE: Agency review of Conditional Use Permit application
File #: CUP 2020-005

Attached is a Conditional Use Permit application from Larry & Estella Lamm with attachments for your agency's review. The applicants are requesting permission to construct a new detached Accessory Dwelling Unit on 2.81 acres in the Rural Lands 5 zoning.

The site is located at 22908 E Kennedy Rd Benton City, WA in Section 16, Township 9 North, Range 27 East, W.M.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by May 6, 2020. Please reference file number **CUP 2020-005** in all correspondence.

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

Benton County Planning Department

April Brown

From: Shanna Everson <eversons@bentonpud.org>
Sent: Wednesday, April 22, 2020 3:57 PM
To: Planning Department
Subject: [EXTERNAL] RE: [E] Agency Review request (Conditional Use Permit CUP 2020-005, Lamm)

CAUTION: This email originated from outside of Benton County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We will be able to bring in power. Looks good.

Shanna Everson
Distribution Design Tech 1
509-585-5367



From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, April 22, 2020 10:20 AM
To: Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; wwhealan@bcfd4.org; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; KID Review (development@kid.org) <development@kid.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Brenda Webb <webbbb@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Roxanne Weller <wellerr@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; Jeff Vosahlo <vosahloj@bentonpud.org>; Mike Irving <irvingm@bentonpud.org>
Subject: [E] Agency Review request (Conditional Use Permit CUP 2020-005, Lamm)

Please see the attached packet and vicinity map.
Please have any comments back to us by May 6, 2020.

Thank you!



April Brown,
Benton County Planning Department
PO Box 910 Prosser WA 99350
(509) 786-5612
[Website](#)

Each Planning Department staff member is working a different schedule and most are working from home. Please forgive any delays in response and thank you for your patience in these strange times.

The Planning Department now has TWO OFFICES to serve you! I am in the Kennewick office (102206 East Wiser Parkway Kennewick, WA 99338). Our office in Prosser has moved to the First Floor of the Courthouse (620 Market Street, Prosser).

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April Brown

From: Dale Wilson
Sent: Wednesday, April 22, 2020 10:28 AM
To: Planning Department
Subject: RE: Agency Review request (Conditional Use Permit CUP 2020-005, Lamm)

No objections. There are not any current code enforcement actions regarding the property.



Dale Wilson, Code Enforcement Officer
Benton County Washington
(509) 222-2301

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, April 22, 2020 10:20 AM
To: Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; wwhealan@bcfd4.org; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; KID Review (development@kid.org) <development@kid.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Roxanne Weller <wellerr@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD-Mike Irving <irvingm@bentonpud.org>
Subject: Agency Review request (Conditional Use Permit CUP 2020-005, Lamm)

Please see the attached packet and vicinity map.
Please have any comments back to us by May 6, 2020.

Thank you!



April Brown,
Benton County Planning Department
PO Box 910 Prosser WA 99350
(509) 786-5612
[Website](#)

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4/22/20

TO: PLANNING DEPARTMENT

FROM: CRISTINA WOODS

Re: CUP- 2020-005 Larry Lamm

The Benton County Road department has the following comments for CUP- 2020-020.

- The applicant shall apply for a road approach permit from the Benton County Public Works Department.



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

April 28, 2020

April Brown
Benton County Planning Department
P.O. Box 910
Prosser, WA 99350



Subject: CUP 2020-005

Dear Ms. Brown:

The Kennewick Irrigation District has received your Conditional Use Permit submitted by Larry and Estella Lamm to construct a new detached accessory dwelling on the property at 22908 E Kennedy Rd, Benton City, WA.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries but is not considered irrigable lands; therefore, it is not assessed by the Kennewick Irrigation District.
2. Please note that permanent structures are not allowed within irrigation easements.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

Daniel Tissell

Daniel Tissell
Staff Engineer

C: LB/correspondence/File: [16-09-27]



April Brown

From: April Brown
Sent: Thursday, June 04, 2020 10:56 AM
To: Benton Franklin Health District - Rick Dawson; Benton PUD - Shanna Everson
Cc: Andrea Watts
Subject: FW: [EXTERNAL] Re: Lamm application
Attachments: 22908 E Kennedy RD CUP Page 5 Revision.docx; 22908 E Kennedy RD CUP Page 6 Revision.docx; CUP 2020-005 Agency review packet.pdf

Hello!

We received comments from you on the Lamm Conditional Use Permit application (for an ADU) but they have made changes to their site plan that we wanted to make sure your agencies are still on board with. They are scheduled for a hearing on June 15, so if you could take a look at the two revised pages attached as well as the packet that I sent for review originally and see if you would amend your comments based on the new site plan, I would greatly appreciate it.

Thank you again,



April Brown, Permit Technician
Benton County Planning Department
PO Box 910 Prosser WA 99350
(509) 786-5612
[Website](#)

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From: Stella Lamm <srLamm41@gmail.com>
Sent: Wednesday, June 03, 2020 5:14 PM
To: April Brown <April.Brown@co.benton.wa.us>
Subject: [EXTERNAL] Re: Lamm application

CAUTION: This email originated from outside of Benton County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi April, Here are the changes to pages 5 and 6 of our CUP. Thanks for your help with this.

Larry Lamm

509-366-8547

On Wed, Jun 3, 2020 at 11:36 AM April Brown <April.Brown@co.benton.wa.us> wrote:



[April Brown, Permit Technician](#)

Benton County Planning Department

PO Box 910 Prosser WA 99350

(509) 786-5612

[Website](#)

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April Brown

From: Shanna Everson <eversons@bentonpud.org>
Sent: Thursday, June 04, 2020 12:31 PM
To: April Brown
Subject: RE: [E] FW: [EXTERNAL] Re: Lamm application

Looks fine

Shanna Everson
Distribution Design Tech 1
509-585-5367



From: April Brown <April.Brown@co.benton.wa.us>
Sent: Thursday, June 4, 2020 10:56 AM
To: Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Shanna Everson <eversons@bentonpud.org>
Cc: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Subject: [E] FW: [EXTERNAL] Re: Lamm application

Hello!

We received comments from you on the Lamm Conditional Use Permit application (for an ADU) but they have made changes to their site plan that we wanted to make sure your agencies are still on board with. They are scheduled for a hearing on June 15, so if you could take a look at the two revised pages attached as well as the packet that I sent for review originally and see if you would amend your comments based on the new site plan, I would greatly appreciate it.

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Sent: Wednesday, June 03, 2020 5:14 PM
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[April Brown, Permit Technician](#)

Benton County Planning Department

PO Box 910 Prosser WA 99350

(509) 786-5612

[Website](#)

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Planning Department
(509) 786-5612
P.O. Box 910
Prosser, WA 99350



www.co.benton.wa.us
planning.department@co.benton.wa.us
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

NOTICE OF OPEN RECORD HEARING

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Hearings Examiner for Benton County, Washington.

CONDITIONAL USE PERMIT: CUP 2020-002 – The applicants, **Greg & Becky Detloff**, are requesting to operate a commercial kennel and grooming business to be located on approximately 9.10 acres in the Rural Lands 5 (RL-5) Zoning District. The applicants are proposing to use an existing building for grooming and boarding of pets in addition to a fenced outdoor area for recreation and relief. The 2,100 sq. ft. (30' x 72') accessory building has the capacity to individually contain 30 pets and the 6,500 sq. ft. grassy/fenced area is separated into three (3) play yards and an ingress/egress holding area. The site consists of an owner-occupied single-family 2,400 sq. ft. home, an 1,800 sq. ft. accessory building to be used as a workshop, and a newly constructed 2,100 sq. ft. accessory building to be used for proposed grooming and boarding of pets. The groom/board building is situated near the rear of the property. The fenced play areas, located in the center of the property, are fully enclosed by a 6ft high top/bottom rail chain-link fence with 10" wide and 4" deep concrete mow strip for safety and containment of dogs. The date of the written determination of completeness on this action is March 2, 2020.

The site is located south of Bowles Road, on the east side of Oak St at 29807 S. Oak Street Kennewick, WA in Section 20, Township 8 North, Range 30 East, W.M.

CONDITIONAL USE PERMIT: CUP 2020-003 – The applicant, **Delia Hernandez**, is requesting a Conditional Use Permit to build and utilize a Detached Accessory Dwelling Unit inside an existing shop building to be located on approximately 5.7 acres in the Rural Lands 5 (RL-5) Zoning District. The date of the written determination of completeness on this action is March 5, 2020.

The site is located at 229906 East 549 PR SE, in Kennewick Section 35, Township 08 North, Range 30 East, W.M.

CONDITIONAL USE PERMIT: CUP 2020-004 – The applicant, **Aquilini Red Mountain Vineyards, LP**, is requesting a Conditional Use Permit to sell mineral aggregate extracted during mining activities from an existing pit site south of Highway 224. The proposal is to extract approximately 30,000 cubic yards of material and allow the applicant the ability to sell the product off site as necessary. The parcel is approximately 1.5 miles east of the City of West Richland and is designated Rural Remote in the Benton County Comprehensive Plan. The project site occupies roughly 4.5 acres of a 21-acre property and is zoned Rural Land 5 Acre District. The project property consists of an ongoing quarry operation and a vineyard. The date of the written determination of completeness on this action is April 7, 2020. The site is located south of Highway 224, South of Antinori Road, in West Richland Section 15, Township 9 North, Range 27 East, W.M. **NOTICE IS FURTHER GIVEN** that this application (CUP 2020-004) was reviewed under the requirements of the State Environmental Policy Act and a Determination of Non-Significance (DNS) was issued on April 30, 2020 and, accordingly, an Environmental Impact Statements were not required. Any comments regarding the determination and the environmental impacts of the proposal can be made at the Hearing using the method noted below or in writing to the Benton County Planning Department by 5 p.m. on Friday June 12, 2020.

CONDITIONAL USE PERMIT: CUP 2020-005 – The applicants, **Larry and Estella Lamm**, are requesting a Conditional Use Permit to construct a 728 sq. ft. Accessory Dwelling Unit on a lot with an existing single-family dwelling on approximately 2.81 acres in the Rural Lands 5 (RL-5) Zoning District. The date of the written determination of completeness on this action is April 7, 2020.

The site is located at 22908 East Kennedy Road in Benton City, Section 16, Township 9 North, Range 27 East, W.M.

NOTICE IS GIVEN that said applications will be considered by the Benton County Hearings Examiner at the **public hearing on Monday, June 15, 2020 at 10:00 a.m. in the Planning Annex Hearing Room at 1002 Dudley Avenue in Prosser, Washington.** All concerned persons may appear and present any support for or objections to the application(s) or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. More information concerning the actions can be obtained from Greg J. Wendt, Planning Manager at the Benton County Planning Department at P.O. Box 910, Prosser, WA 99350 or (509) 786-5612. 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 applicable laws that may require the release of the documents to the public.

Due to Governor's "Stay Home, Stay Healthy" order the County Offices are closed to in person visits from the public at this time. In an effort to continue to provide public access to the Planning Commission meetings, Benton County will be providing telephonic and video access for the public to view and provide testimony at the Hearings Examiner meetings. **If you choose to join the meeting telephonically, we ask that you please limit background noise or mute your line to prevent any unnecessary interruption to the meeting.**

If you wish to provide comments on any of the actions before the Hearings Examiner, we ask that you please fill out our online form (found at <https://tinyurl.com/testifyform>) and submit your request to our office. **You must submit a request form to participate for each hearing that you wish to attend.** If you prefer to make the request by phone, please call our office at (509) 786-5612 and we can add you to the list for providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item.

In order to join the meetings telephonically you will need to dial in and enter the Meeting ID and Passcode. These links will be available on June 15th, shortly before 10 a.m. To view the video please use the link below.

Dial 509 222 2310
Meeting ID: 5687120981
Passcode: 5687

Video broadcast link: hearingsexaminer.co.benton.wa.us

Dated this 29th day of May, 2020

SUSAN E. DRUMMOND
Benton County Hearings Examiner

Greg J. Wendt, Planning Manager
Benton County Planning Department

PUBLICATION DATE: June 3, 2020