



Agenda
Board of Adjustment Meeting
Thursday, July 17, 2025
Richland City Hall ~ Council Chambers
625 Swift Boulevard

Regular Meeting - 6:00 p.m.

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

- I. April 17, 2025 Board of Adjustment Meeting Minutes
 - Carly Kirkpatrick, Administrative Assistant II

Public Hearing Explanation:

New Business - Public Hearing:

2. 615 Cherrywood Loop - Major Variance (PLN-T2-2025-00013)
 - Ryan Nelson, Planner
3. 92 Hodges Court - Major Variance (PLN-T2-2025-00014)
 - Ryan Nelson, Planner

Communications:

Adjournment

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (Ch. 42.30 RCW) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 7/17/2025

Agenda Category: Approval of Minutes

Prepared By: Carly Kirkpatrick, Administrative Assistant II

Subject

April 17, 2025 Board of Adjustment Meeting Minutes

Department

Development Services

Recommended Motion

Move to approve the Meeting Minutes for the April 17, 2025 Board of Adjustment meeting.

Summary

Meeting Minutes for the April 17, 2025 Board of Adjustment Meeting are attached for review and consideration.

Attachments

I. 2025.04.17 Board of Adjustment Meeting Minutes

Fiscal Impact Summary None.



**MINUTES
BOARD OF ADJUSTMENT REGULAR MEETING
THURSDAY, APRIL 17, 2025
Richland City Hall – Council Chamber
625 Swift Boulevard**

Board of Adjustment Regular Meeting – 6:00 p.m.

Chair Raffa called the Board of Adjustment meeting to order at 6:00 p.m.

Welcome and Roll Call:

Attendance: Chair Raffa	Present
Vice-Chair Van Hoff	Present
Board Member Booker	Present
Board Member Bricker	Present
Board Member McKinley	Present

Also present were Planning Manager Stevens, and Administrative Assistant II Kirkpatrick.

Approval of Agenda:

BOARD MEMBER BRICKER MOVED AND VICE-CHAIR VAN HOFF SECONDED THE MOTION TO APPROVE THE AGENDA. MOTION PASSED 5-0.

Approval of Minutes:

Chair Raffa presented the meeting minutes of the August 15, 2024 meeting.

VICE-CHAIR VAN HOFF MOVED AND BOARD MEMBER BRICKER SECONDED THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 15, 2024, AS PRESENTED. MOTION PASSED 5-0.

Public Hearing:

Administrative Assistant II Kirkpatrick read the Public Hearing Explanation.

New Business

PLN-T2-2025-00012 – 466 Keene Road Major Variance from the Minimum Setback

Planning Manager Stevens affirmed that proper notice was given and no comments were received. He then went over the staff report giving the history and proposed changes, and why staff supports approval of variance with conditions of approval.

At the conclusion of the staff report, Chair Raffa asked the Board members if they had any questions for staff before opening the public hearing.

With no questions currently for staff, Chair Raffa opened the public Hearing at 6:16 p.m.

The applicant, Rick Simon, on behalf of Keene Road LLC, spoke regarding the criteria for the request for a variance going over each qualification and why it was justified. The request meets criteria under RMC 23.70.110, as the hardship stems from the lot's shape and existing development patterns—not from the applicant's actions—and the variance would align the project with surrounding buildings without granting special privilege. The proposal will meet all conditions of approval set forth by staff and code.

No other public testimony was given.

Chair Raffa closed public hearing at 6:24 p.m.

Board Member Bricker expressed disagreement with four (4) variance criteria presented by staff in support of the variance request. He stated that the lot's shape, while irregular, is not truly unique, especially given that there are other lots throughout the city that are irregular. He further noted that the buyer should have been aware of the lot's limitations prior to purchase. Regarding the limitation of the site, he argued that the nonconforming status of the adjacent lot does not justify setting a precedent for this one, and he believes a smaller building could still be constructed in compliance. Lastly, he emphasized that the combination of the adjacent lot's nonconformance and the odd shape of the subject lot is insufficient justification for granting the variance, reiterating that the applicant was aware of the site's constraints at the time of acquisition.

Vice-Chair Van Hoff questioned Planning Manager Stevens regarding finding fact number 16 for clarification. Planning Manager Stevens confirmed that it was an error by staff and instead should eliminate the word not and say the following:

“16. Literal interpretation of the ordinance does deny the applicant rights commonly enjoyed by other properties in the district.”

Vice-Chair Van Hoff questioned the applicant about where patrons of the site would likely exit, which has a limited site to turn onto Englewood due to the angle. He also pointed out that there is current vegetation that has died that is also impeding visitations.

Planning Manager Stevens confirmed that the vegetation the Vice-Chair Von Hoff is referring to is part of the city's right of way. The city will place a condition on the applicant during permitting to remove the dead vegetation and has a standard for site visibility.

Vice-Chair Van Hoff asked what assurance they have with approving this variance that will be applied, with Planning Manager Stevens confirming that during permitting public works will place the conditions on the applicant.

Chair Raffa asked if there were any other questions, or if the applicant would like to respond to any discussions that have occurred.

Mr. Simons wanted to call attention to page two (2) of the staff report where the table states the front yard setback, and within the C-1 zoning there is 45 feet¹, and the subscript number 1 references the following:

“1. Each lot shall have a front yard 45 feet deep or equal to the front yards of existing buildings in the same c-1 district and within the same block”

Mr. Simon stated that the owner did do their due diligence when purchasing the lot, and was surprised that a variance was even required with what was stated in the zoning.

BOARD MEMBER BRICKER MOVED TO DENY THE APPLICATION WITH NO SECOND TO THE MOTION, THE MOTION WAS DISMISSED.

VICE-CHAIR VAN HOFF MOVED AND MEMBER BOOKER SECONDED THE MOTION TO APPROVE THE VARIANCE REQUEST WITH THE CONDITIONS OF APPROVAL SET FORTH IN THE STAFF REPORT WITH THE EDIT TO FINDING OF FACT 16 AND WITH THE CONDITION THAT ALL LANDSCAPING ALONG THE INSIDE OF THE CURVE ON ENGLEWOOD SHALL AFFORD A CLEAR LINE OF SIGHT BETWEEN THOSE LEAVING THE PARKING AREA AND TRAFFIC COMING PAST ON ENGLEWOOD, AND CURRENT OBSTRUCTING VEGETATION SHALL BE REMOVED. MOTION PASSED 4-1.

COMMUNICATIONS:

Chair Raffa reminded members to reserve the 3rd Thursday of each month for future meetings.

Planning Manager Stevens announced the departure of Planner Hendricks, and continuing efforts to fill open positions in planning.

ADJOURNMENT:

Chair Raffa adjourned the meeting at 6:43 p.m.

PREPARED BY:

Carly Kirkpatrick, Administrative Assistant II

APPROVED BY:

Justin Raffa, Chair



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 7/17/2025

Agenda Category: New Business - Public Hearing

Prepared By: Ryan Nelson, Planner

Subject

615 Cherrywood Loop - Major Variance (PLN-T2-2025-00013)

Department

Development Services

Recommended Motion

Staff's recommendation that the Board of Adjustment deny the variance authorizing the conversion of the existing shop into an accessory apartment.

Summary

Major Variance to RMC Chapter 23.22.040 – To convert an existing shop into an accessory apartment. Variances are being requested from: 1) the setback distance from the rear property line; 2) height and single-story restrictions; 3) compatible style and color provisions, and 4) 800 square foot limitations. The requirements for an accessory apartment are described in RMC Chapter 23.42.020 – Accessory Apartments.

Attachments

I. 615 Cherrywood Loop - Major Variance - Full Staff Report

Fiscal Impact Summary None.



BOARD OF ADJUSTMENT
STAFF REPORT

File Number: PLN-T2-2025-00013
Prepared By: Ryan Nelson, Planner

Meeting Date: June 19, 2025

General Information

Applicant: Brian Dixon, on behalf of the property owner, Spencer Dixon

Location: 615 Cherrywood Loop, Richland, WA 99354

Parcel #: 135082040001012

Request: Major Variance to RMC Chapter 23.22.040 – To convert an existing shop into an accessory apartment. Variances are being requested from: 1) the setback distance from the rear property line; 2) height and single-story restrictions; 3) compatible style and color provisions, and 4) 800 square foot limitations. The requirements for an accessory apartment are described in RMC Chapter 23.42.020 – Accessory Apartments.

Zoning: R-1-10 (Single-Family Residential – 10,000)

Legal

Description: Lot 12 and a portion of Lot 13, Block 1, Plat of Lynnwood Terrace #5, located within Section 35, Township 10 North, Range 28 East, W.M., Benton County, WA.

Adjacent

Uses: *North:* One-Family Detached Dwellings
East: One-Family Detached Dwellings
South: Pedestrian Path connecting Carriage Ave to Lynnwood Park and One-Family Detached Dwellings
West: One-Family Detached Dwellings

Reason for Request

The applicant is requesting four (4) different variances to authorize the conversion of an existing 1,008 square foot shop into a detached accessory apartment (i.e. accessory dwelling unit). The subject property currently contains an existing detached shop building, which the applicant would like to convert into an accessory apartment. However, the existing shop building is larger than 800 square feet in size, is taller than 15 feet in height, is located closer to the rear property line than 15 feet and is not similar in appearance to the existing single-family residence.

Applicable Richland Municipal Code Review

RMC Chapter 23.18 – Residential Zoning Districts

23.18.025(A): All dwellings shall be placed on permanent foundations.

23.18.030 – Residential use districts permitted land uses

Land Use	R-1-12	R-1-10	R-2	R-2S	R-3
Residential Uses					
Accessory Apartments	A ¹	A ¹	A ¹	A ¹	A ¹
Accessory Buildings ¹⁴	A	A	A	A	A

1. RMC 23.42.020

14. Accessory buildings and structures are subject to RMC 23.38.020 – 23.38.070

RMC Chapter 23.38.030 through 23.38.070, as stated in footnote 14, are not applicable to this application.

RMC Chapter 23.38.020 – Accessory buildings in residential zoning districts

(B)(4): When a detached accessory building is built adjacent to the back half of the adjoining lot or is 75 feet or more from any right of way line bounding the lot, the following setbacks shall apply:

(B)(4)(c): Any accessory building exceeding 600 square feet in floor area shall be set back a minimum of five feet from the rear and side property lines.

RMC Chapter 23.42.020 – Accessory apartments

One accessory apartment per single-family dwelling unit is allowed within all single-family zones within the City under the following conditions:

(A): Accessory apartment units established in conformance with the provisions of this section may be allowed as permitted uses on lots zoned for single-family dwellings. No more than one accessory apartment unit per legal lot is permitted and it must be accessory to a detached single-family residence. A lot occupied by two or more dwellings shall not be permitted an accessory apartment unit.

(B): An accessory apartment unit may be added onto an existing single-family residence, built adjacent to a single-family residence or constructed in conjunction with a new residence.

(C): Each accessory apartment shall have a kitchen and a bathroom and shall not contain more than two bedrooms.

(D): An accessory apartment shall not exceed 40 percent of the dwelling’s total floor area, and shall not exceed 800 square feet of interior floor space nor be less than 200 square feet of interior floor space.

(E): Minimum required parking of RMC 23.54.020 must be met. One additional parking space for the accessory apartment unit is required.

(F): Prior to the issuance of a building permit establishing an accessory apartment unit,

the property owner shall record a deed restriction with the Benton County auditor's office. The document shall be in a form prescribed by the planning director and include a description of the location and size of the accessory apartment unit and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being otherwise occupied or rented. The owner shall maintain residency for at least six months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner occupied unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to enforcement action.

- (G): An accessory apartment permit is required prior to any building permit for alterations or new construction. The permit must be reviewed and approved by applicable city departments.
- (H): An accessory apartment must be connected to the utilities (except telephone and television) of the dwelling unit and may not have separate services.
- (I): An attached accessory apartment shall have a separate address, provided it is the same as the primary dwelling with a "B" suffix. A detached accessory apartment unit shall have a separate address and may be the same as the primary dwelling with a "B" suffix or may have an address number different from that of the primary dwelling.
- (J): The design and size of an accessory apartment unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.
- (M): Accessory apartment units that are detached from the primary dwelling shall meet the following criteria:
 - (M)(1): The accessory apartment unit shall be located at least six feet from the primary dwelling unit.
 - (M)(2): **An accessory apartment unit shall conform to requirements for the primary residence, including, but not limited to: lot coverage; front, side and rear yard setbacks; and width of lot at the building line. Maximum building height for a detached accessory apartment unit is 15 feet and the structure is limited to a single story; provided, that the rear setback requirement for an accessory apartment unit may be reduced to 15 feet, if a solid privacy fence is also erected along the rear property boundary.**
 - (M)(3): **The exterior appearance of an accessory apartment unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style; exterior building materials and color; roof material, form and pitch; window style and placement; other architectural features; and landscaping.**

Site Description

According to the City's internal GIS, the site (615 Cherrywood Loop) is approximately 17,650 square feet in size, which consists of a one-family detached dwelling unit (footprint is approximately 3,396 sq. ft.)

and a detached shop (footprint is approximately 1,008 sq. ft.). The parcel is relatively flat and has a unique shape that fronts Cherrywood Loop at a corner, extends to the east and the south, eventually abutting the Lynnwood Loop Park East Access to Carriage Avenue at the southern end of the parcel.

There are four (4) recorded and active easements on the property:

1. A 15-foot sewer and storm easement, running east and west, with approximately 10 feet of said easement located within the northern portion of the parcel.
2. A 10-foot sewer easement, running north and south, located in the middle of the parcel.
3. A 5-foot utility easement, running north and south, located along the eastern portion of the parcel.
4. A 5-foot utility easement, running east and west, located along the south parcel boundary.

Staff Analysis

Upon review of the applicant's responses to the questions described in the "Plan Snapshot Report," City staff has determined that the applicant's reason for the requested variances is due to the existence of the shop building, which they would like to convert into an accessory apartment. Part of their justification is the fact that the shop building is existing and while it doesn't meet all of the requirements for an accessory apartment, according to the City of Richland's Municipal Code, the state of Washington adopted Engrossed House Bill (EHB) 1337 (July 23, 2023) requiring Richland and other municipalities to adopt/revise accessory dwelling unit (ADU) regulations consistent with those found in EHB 1337.

EHB 1337 is a House Bill that allows for the construction of new ADUs within designated urban growth areas. This bill includes rules and regulations about how many ADUs can be built upon any legal lot of record, the minimum square footage of an ADU, whether the ADU can be attached (internally or externally), detached, or be a converted detached structure, etc.

Within EHB 1337, Section 3, subsection (1)(a) states:

"Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130."

According to the Washington State Department of Commerce (<https://www.commerce.wa.gov/growth-management/gma-topics/periodic-update/>), the City of Richland, Kennewick, and other jurisdictions within Benton County, have a periodic comprehensive plan update of December 31, 2026. Under EHB 1337, the City, along with other neighboring jurisdictions, are not required to adopt the new regulations until the December 31, 2026, deadline.

Until the City adopts the rules and regulations of EHB 1337, the current regulations of RMC Chapter 23.42.020 shall apply to the site and any other residentially zoned property within the City. Unfortunately, this means that while ultimately the City's regulations will be revised, they will not likely be completed for approximately another 18 months. Essentially, the applicant is requesting the City to approve these variance requests based upon future laws the City will likely adopt, rather than the rules

currently in place.

Public Notice

Application Date:	April 21, 2025
Notice of Application & Hearing Mailed:	May 23, 2025
Notice of Application & Hearing Posted:	May 23, 2025
Public Hearing Date:	June 19, 2025

A combined Notice of Application & Hearing was provided through posting of the property, mailing of notice to property owners within 100 feet of the site, publication in the *Tri-City Herald* and posting on the City's website.

Agency & Public Comments

To date, Staff has not received any agency comments of concern regarding the proposed project. One agency made some recommendations for the proposal, if approved, and one public comment of concern regarding the proposed project was received as of the date the staff report was written (see Exhibit 6).

Staff Findings

The following are Staff's findings relative to the requirement for the granting of a variance as set forth in RMC Sections 23.70.110 – Applications and RMC 23.70.140 – Findings. The applicant's responses, as well as staff's analysis can be found below:

1. ***That special conditions and circumstances exist which are peculiar to the subject property and not applicable to other properties in the same zoning district.***

Applicant Response: The primary unusual circumstance is the presence of a substantial, legally established pole building (shop) that has existed on the property for over 25 years, predating our ownership. Due to the specific configuration of the lot, the location of the existing primary residence, required setbacks for new construction, and significant utility easements along the north property line and crossing the eastern third of the property between the existing buildings, there is no feasible alternative location on the parcel to construct a new accessory dwelling unit (ADU) that would comply with standard setback and location requirements. The existing shop represents the only viable structure suitable for conversion to an ADU, but its placement and size, established long ago, do not meet the current specific ADU standards regarding setbacks (closer than 15 ft to rear line), potential size (>800 sq ft), potential height (>17 ft), and interpretation of the attic space as a potential second story. The combination of the pre-existing, non-conforming structure and the physical constraints of the lot creates an extraordinary condition preventing standard ADU development.

Staff Analysis: The special conditions or circumstances that exist, as stated above, on this property also occur elsewhere within the City and undoubtedly within areas zoned R-1-10. As a result, this is not a special condition or circumstance that is only applicable to the subject property. Adoption of ESB 1337 affords the City until December 31, 2026 to be in compliance with the state requirements and therefore, the applicant's variance request(s) are premature.

2. ***That literal interpretation of this title would deprive the applicant rights commonly enjoyed by other properties in the district.***

Applicant Response: A literal interpretation of the current ADU standards (Title 23) regarding setbacks, size, height, and story definition, when applied to our pre-existing structure, would effectively deprive us of the right to establish an ADU on our property – a right commonly enjoyed by other residential properties in Richland. Because there is no other feasible location on the lot due to the constraints mentioned in question 1, denying the conversion of the only suitable existing structure essentially prohibits ADU development for us. Other property owners without these specific pre-existing structural and lot constraints have the ability to site and build compliant ADUs.

Furthermore, recent state law (RCW 36.70A.681 / EHB 1337) explicitly aims to facilitate ADUs, including requiring municipalities to allow conversion of existing structures despite setback violations and setting minimum allowances of 1,000 sq ft floor area and 24 ft height. A literal interpretation of potentially older local standards that conflict with this state mandate would deprive us of rights the state legislature intends property owners to have, and rights enjoyed by owners in jurisdictions that have aligned their codes with state law.

Staff Analysis: The literal interpretation of this title (Title 23) would not deprive the applicant of rights commonly enjoyed by others within the same zoning district or any other residentially zoned district within the City.

ESB 1337, states that jurisdictions have up to six (6) months after the next periodic comprehensive plan update to adopt the regulations set forth in the House Bill. Until such time, the current City regulations take precedence.

Moreover, if another property within the same zoning district (R-1-10), with the same lot dimensions, applied for an accessory apartment/accessory dwelling unit, that property would be held to the same standards for an accessory apartment, as described in RMC Chapter 23.42.020.

3. ***That the special conditions and circumstances do not result from actions of the applicant.***

Applicant Response: No. The special conditions and circumstances were not caused by us. The shop structure, its size, location, and height were established well over 25 years ago by a previous owner. Furthermore, the lot configuration and the location of utility easements are inherent characteristics of the property that existed prior to our ownership and are outside of our control. We are seeking to adapt an existing feature of the property, not seeking relief from conditions we created.

Staff Analysis: The special condition or circumstance, as stated by the applicant, was not a result from actions of the applicant, but was created by the previous property owners. However, the

parcel is large enough that there is sufficient room to construct an accessory apartment elsewhere on the property which does meet current regulations.

4. *That granting the variance will not confer a special privilege to the applicant that is denied others in the same use district.*

Applicant Response: Granting this variance would not confer a special privilege, but rather provide relief from a unique hardship imposed by the application of current standards to a pre-existing condition. It allows for the reasonable use of a structure that has been part of the property's landscape for decades.

It addresses an existing situation: We are not asking to build something new that violates code; we are asking to repurpose a long-standing, legally established structure.

Minimal Impact: The structure's external footprint and overall visual impact will not change significantly. It has limited visibility from public streets and has been present for over 25 years without issue. The conversion does not create a new imposition on the neighborhood.

Consistency with State Goals: Granting the variance aligns with the state's expressed intent (RCW 36.70A.681) to encourage ADUs and specifically allow the conversion of existing structures, recognizing such conversions often involve non-compliance with standard setbacks, size, or height for new construction. It allows us an opportunity similar to what state law provides for homeowners statewide.

Reasonable Use: It allows us to achieve a beneficial use of our property consistent with residential purposes, similar to other homeowners in the district who are able to establish ADUs. It corrects a situation where strict code application to a pre-existing structure unfairly restricts our property rights compared to others.

Staff Analysis: The granting of this variance would confer a special privilege to the applicant, as the regulations of EHB 1337 have not been adopted by the City of Richland. Furthermore, RCW 36.70A.680(1)(a) states: "Cities and counties planning under this chapter [36.70A – Growth Management] must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of RCW 36.70A.681 to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130." Per the Washington State Department of Commerce, the City of Richland has until December 31, 2026 to adopt the new regulations of EHB 1337 and RCW 36.70A.680.

Conclusion

Based upon the information and analysis contained above, it is Staff's opinion that the proposed variance request(s) have not been justified in a manner which affords Staff the ability to support the variance request(s). The burden of proof is on the applicant to demonstrate "why" they are unable to comply with the requirements of the City's municipal code. In this instance, it appears

that the applicant is wanting to obtain a series of variances based upon the fact that an existing structure is located upon the site so as to not need to construct a new conforming structure. However, until the City adopts updated accessory apartment regulations, the current regulations must be upheld and assumption as to what future regulations will require is irrelevant.

Suggested Conclusions of Law

1. The Board of Adjustment has jurisdiction to hold a public hearing and issue a decision for the proposed Zoning Variance.
2. The proposed variance is inconsistent with the goals and policies of the City's Comprehensive Plan.
3. The Board of Adjustment is unable to grant the proposed variance request as the requested variance is the minimum necessary to make reasonable use of the property and is inconsistent with the general purpose and intent of the Code.
4. Literal interpretation of the ordinance would not deny the applicant of rights commonly enjoyed by other properties in the district as the existing accessory apartment regulations found in RMC 23.42.020 do not deny the applicant of the right to have an accessory apartment.

Suggested Finding of Fact

1. Brian Dixon has applied for a Major Variance, on behalf of Spencer Dixon (property owner), allowing for the conversion of the existing shop into an accessory apartment.
2. The subject property is located at 615 Cherrywood Loop.
3. The subject site is generally bordered by other residential uses and a public pedestrian walking trail to Lynnwood Park and Carriage Avenue.
4. The subject site is approximately 17,650 square feet in size.
5. The lot is generally polygon-shaped with a small stub along the south property line connecting the lot to an existing pedestrian trail.
6. There are four (4) different easements recorded on the property, which restrict placement of accessory structures. The usable (net) land for this parcel is approximately 14,017 square feet in size.
7. The subject site currently has an existing one-family detached dwelling and a detached shop.
8. Richland Municipal Code Chapter 23.42.020 imposes multiple restrictions for detached accessory apartments, including, but not limited to, setbacks, building height, limitation of a single-story, and exterior appearance compatibility to the primary residence.

9. Pursuant to RMC 23.70.060 the Board of Adjustment is the authorized review body for Major Variance review proceedings.
10. The site is designated as Low-Density Residential by the City's Comprehensive Plan.
11. The site is not located within the jurisdiction of the City's Shoreline Master Program, nor does it contain any critical areas regulated by RMC 22.10.
12. All public notification requirements have been met.
13. No comments of concern from public agencies were received.
14. One (1) public comment of concern was received.
15. Requirements for granting variances are set forth in Richland Municipal Code (RMC) Sections 23.70.110 – Applications and 23.70.140 – Findings.
16. The requested variance is not the minimum necessary to continue reasonable use of the property.
17. Literal interpretation of the ordinance does not deny the applicant rights commonly enjoyed by other properties in the district.

Recommended Motion

I move that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and **DENY** the variance to RMC 23.42.020 authorizing the conversion of the existing 1,008 square foot shop into an accessory apartment.

Exhibit List

1. Application Materials
2. Building Plans (File #BLDRC-2025-00509)
3. Session Law of EHB 1337
4. Vicinity and Related Maps
5. Public Notice & Affidavits
6. Agency and Public Comments



City of Richland
 625 Swift Blvd
 Richland WA 99352
 (509) 942-7794

Exhibit 1

Plan Snapshot Report

Plan Type: Type 2	Plan #: PLN-T2-2025-00013	App Date: 04/21/2025
Work Class: T2 - Major Variance	District: City of Richland	Exp Date: 08/19/2025
Status: In Review		Completed: NOT COMPLETED
Description: Convert existing shop into an ancillary apartment. Variance is requested from the setback distance from the rear property line, height and single story restrictions, compatible style and color provisions, and 800 square foot limitations.		Approval Expire Date:

Parcel:	Address: 615 Cherrywood Loop Richland, WA 99354	Main	Zone:
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Property Owner Spencer / Tyleen Dixon 615 Cherrywood LOOP Richland, WA 99354 Mobile: (509) 222-4483	Applicant Brian J Dixon 1805 Mc Pherson AVE Richland, WA 99354 Home: (509) 554-9196 Business: (509) 554-9196 Mobile: (509) 554-9196
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Plan Custom Fields

<p>What unusual conditions exist on your property.</p>	<p>The primary unusual circumstance is the presence of a substantial, legally established pole building (shop) that has existed on the property for over 25 years, predating our ownership. Due to the specific configuration of the lot, the location of the existing primary residence, required setbacks for new construction, and significant utility easements along the north property line and crossing the eastern third of the property between the existing buildings, there is no feasible alternative location on the parcel to construct a new accessory dwelling unit (ADU) that would comply with standard setback and location requirements. The existing shop represents the only viable structure suitable for conversion to an ADU, but its placement and size, established long ago, do not meet the current specific ADU standards regarding setbacks (closer than 15 ft to rear line), potential size (>800 sq ft), potential height</p>	<p>(>17 ft), and interpretation of the attic space as a potential second story. The combination of the pre-existing, non-conforming structure and the physical constraints of the lot creates an extraordinary condition preventing standard ADU development.</p>	<p>Were these conditions caused directly by you. No. The special conditions and circumstances were not caused by us. The shop structure, its size, location, and height were established well over 25 years ago by a previous owner. Furthermore, the lot configuration and the location of utility easements are inherent characteristics of the property that existed prior to our ownership and are outside of our control. We are seeking to adapt an existing feature of the property, not seeking relief from conditions we created.</p>
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PLAN SNAPSHOT REPORT (PLN-T2-2025-00013)

How does code deprive you rights enjoyed by others

A literal interpretation of the current ADU standards (Title 23) regarding setbacks, size, height, and story definition, when applied to our pre-existing structure, would effectively deprive us of the right to establish an ADU on our property – a right commonly enjoyed by other residential properties in Richland. Because there is no other feasible location on the lot due to the constraints mentioned in question 1, denying the conversion of the only suitable existing structure essentially prohibits ADU development for us. Other property owners without these specific pre-existing structural and lot constraints have the ability to site and build compliant ADUs.

Furthermore, recent state law (RCW 36.70A.681 / EHB 1337) explicitly aims to facilitate ADUs, including requiring municipalities to allow conversion of existing structures despite setback violations and setting minimum allowances of 1,000 sq ft floor area and 24 ft height. A literal interpretation of potentially older local standards that conflict with this state mandate would deprive us of rights the state legislature intends property owners to have, and rights enjoyed by owners in jurisdictions that have aligned their codes with state law.

Does this variance create a special privilege.

Granting this variance would not confer a special privilege, but rather provide relief from a unique hardship imposed by the application of current standards to a pre-existing condition. It allows for the reasonable use of a structure that has been part of the property's landscape for decades.

It addresses an existing situation: We are not asking to build something new that violates code; we are asking to repurpose a long-standing, legally established structure. Minimal Impact: The structure's external footprint and overall visual impact will not change significantly. It has limited visibility from public streets and has been present for over 25 years without issue. The conversion does not create a new imposition on the neighborhood. Consistency with State Goals: Granting the variance aligns with the state's expressed intent (RCW 36.70A.681) to encourage ADUs and specifically allow the conversion of existing structures, recognizing such conversions often involve non-compliance with standard setbacks, size, or height for new construction. It allows us an opportunity similar to what state law provides for homeowners statewide.

Reasonable Use: It allows us to achieve a beneficial use of our property consistent with residential purposes, similar to other homeowners in the district who are able to establish ADUs. It corrects a situation where strict code application to a pre-existing structure unfairly restricts our property rights compared

to others.

Other considerations. The existing shop structure was built to serve the specific needs of a previous owner and currently provides limited benefit to our family. Converting it to an ADU allows for a beneficial use consistent with the residential nature of the property, providing needed flexible housing space for our family.

Regarding specific deviations:

Size: Although the entire structure exceeds the current local limit, our submitted plans show the actual designated ADU living space has been internally limited to fit within the 800 sq ft limit. Also, note that state law sets a minimum allowance of 1,000 sq ft, which would support the entire structure.

Height/Story: The "attic" space is largely unusable for living due to the intrusion of structural members and limited headroom caused by the roof slope. Defining this storage area as a second story seems inconsistent with the intent of the one-story limitation, which is typically aimed at controlling building mass and overlook potential, neither of which is impacted by this attic space. The overall height is likely well within the 24-foot minimum allowance set by state law.

Setback: The structure's location is fixed and pre-dates current ownership. State law specifically requires municipalities to allow conversions even when setbacks are violated. The structure is not easily viewed from any public street and its conversion will not alter the character of the neighborhood. We intend to fully comply with all applicable building, fire,

health, and safety code requirements for the conversion to ensure a safe and quality living space. Granting the variance allows for the practical and beneficial reuse of an existing structure, consistent with state housing goals, without negatively impacting the surrounding area.



Benton County Property Search

64948
615 CHERRYWOOD LOOP

DIXON SPENCER & TYLEEN
615 CHERRYWOOD LOOP
RICHLAND, WA 99354

Total Market Value
\$493,110

KEY INFORMATION

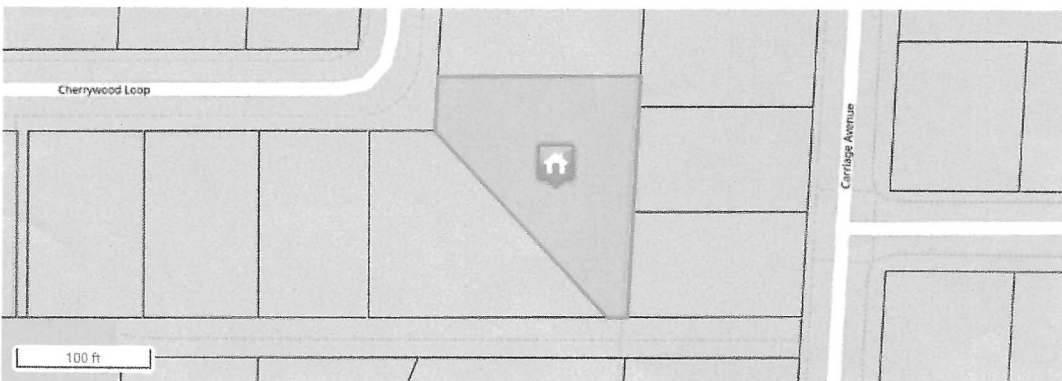
Parcel # / Geo ID	135082040001012		
Use Code	11 Single Unit		
Township	10	Section	35
Range	28	Legal Acres	0.38
Neighborhood	160004	Subdivision / Section	915
Land Size Acres	0.3791	Land Size Sq Foot	16,516
Legal Description	SECTION 35, TOWNSHIP 10 NORTH, RANGE 28 EAST, QUARTER NW: LYNNWOOD TERRACE #5, BLOCK 1, LOT 12 TOGETHER WITH A PORTION OF LOT 13 DEFINED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 13 BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 59' 44" EAST, EAST ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 7.00 FEET; THENCE DEPARTING FROM SAID WEST LINE SOUTH 77° 54' 51" EAST A DISTANCE OF 30.42 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 13, THENCE SOUTH 88° 48' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING; AND TOGETHER WITH PORTION OF LOT 11 DEFINED AS FOLLOWS; BEGINNING AT THE MOST EASTERLY POINT OF SAID LOT 11, BEING THE TRUE POINT OF BEGINNING, THENCE GOING WESTERLY 13 FEET ALONG THE SOUTH PROPERTY LINE, THENCE GOING 14 FEET, AT A 90° ANGLE TO THE NORTH TO THE EASTERLY PROPERTY LINE (BEARING SOUTH 43° 45' 31" EAST) THENCE GOING 19 FEET SOUTHEASTERLY ALONG THE EASTERLY PROPERTY LINE TO THE TRUE POINT OF BEGINNING, PROTECTIVE COVENANTS 10/15/74, DESCRIPTION CHANGE 3/10/76. SUBJECT TO EASEMENTS, RIGHTS OF WAY, PROTECTIVE COVENANTS, AND MINERAL RESERVATIONS OF RECORD IF ANY. (DESCRIPTION CHANGE PER AF#2014-033335, 12/26/2014).		
Taxing District	R1	Exemption	None

ASSESSMENT DETAILS

Improvement Homesite Value	\$0
Improvement Non-Homesite Value	\$443,110
Land Homesite Value	\$50,000
Land Non-Homesite Value	\$0
Market Value	\$493,110
Assessed Value	\$493,110
Taxable Value	\$493,110

LAND

LAND TYPE	SOIL TYPE	AG USE	PRIMARY USE	LAND SIZE ACRES	LAND SIZE SQ FOOT
9	None	-	11	0.3791	16516.00



ALTA COMMITMENT FOR TITLE INSURANCE

Issued By agent:



Commitment Number:

472012876
Revision 1 - Added
Lender

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Commonwealth Land Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Ticor Title Company
8101 W Grandridge Blvd., Suite 110
Kennewick, WA 99336

Countersigned By:

Authorized Officer or Agent

Commonwealth Land Title Insurance Company

By:

President

Attest:

Secretary

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TICOR TITLE COMPANY

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Angela Carr Ticor Title Company 8101 W Grandridge Blvd., Suite 110 Kennewick, WA 99336 Phone: 509-579-7020 Fax: 844-894-6828 Main Phone: (509)579-7020 Email: Angela.Carr@ticortitle.com	Escrow Officer: Kennewick Branch Ticor Title Company 8101 W Grandridge Blvd., Suite 110 Kennewick, WA 99336 Phone: 509-579-7020 Fax: 844-894-6828 Main Phone: (509)579-7020 Email: alex.figueroa@ticortitle.com

SCHEDULE A

1. Commitment Date: July 27, 2020 at 08:00 AM
2. Policy to be issued:
 - (a) ALTA Homeowner's Policy of Title Insurance 2013

Proposed Insured:	Spencer Dixon and Tyleen Dixon, both presumptively subject to the community property interest of a spouse/registered domestic partner, if any		
Proposed Policy Amount:	\$465,000.00		
Premium:		\$	1,291.00
Tax:		\$	111.03
Rate:	Homeowner's Short Term		
Total:		\$	1,402.03
 - (b) ALTA Loan Policy 2006

Proposed Insured:	Primelending A PlainsCapital Company, ISAOA		
Proposed Policy Amount:	\$418,500.00		
Premium:		\$	712.00
Tax:		\$	61.23
Rate:	Lender Extended		
Total:		\$	773.23
3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple
4. The Title is, at the Commitment Date, vested in:

Carl Van Katwijk and Anja I Van Katwijk, husband and wife
5. The Land is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 1-3508-204-0001-012

Lynnwood Terrace #5, Block 1, Lot 12, TOGETHER WITH that portion of Lot 13 defined as follows:

Beginning at the Southwest corner of said Lot 13 being the True Point of Beginning, thence North 01°59'44" East, East along the West line of said Lot 13 a distance of 7.00 feet, thence departing from said West line South 77°54'51" East a distance of 30.42 feet to a point on the South line of said lot 13, thence South 88°48'18" West along said South line a distance of 30.00 feet to the True Point of Beginning. AND TOGETHER WITH portion of Lot 11 defined as follows:

Beginning at the most Easterly point of said Lot 11, being the True Point of Beginning, thence going Westerly 13 feet along the South property line, thence going 14 feet, at a 90° angle, to the North to the Easterly property line (bearing South 43°45'31" East), thence going 19 feet Southeasterly along the Easterly property line to the True Point of Beginning.

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**SCHEDULE B, PART I
REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
7. This item intentionally deleted
8. This item intentionally deleted

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**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

9. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of City of Richland.

CAUTION: Washington has a graduated excise tax rate for sales occurring on or after 1/1/2020 for most properties, although a flat rate applies to properties formally classified and specially valued as timberland or agricultural land on the day of closing.

The rate of real estate excise tax to a sale on or after 1/1/2020 for properties which are not formally classified and specially valued as timberland or agricultural land is:

State portion: 1.10% on any portion of the sales price of \$500,000 or less;
1.28% on any portion of the sales price above \$500,000, up to \$1,500,000;
2.75% on any portion of the sales price above \$1,500,000, up to \$3,000,000;
3.00% on any portion of the sales price above \$3,000,000;

Local portion: .50% on the entire sales price.

An additional \$5.00 State Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional \$5.00 Affidavit Processing Fee is required.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit. The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

10. Property taxes and assessments for the year(s) 2020 are to be paid, pro rata by the buyer and seller at settlement.
11. If the proposed insured is a married person or member of a registered domestic partnership acquiring title as a separate estate, the Company will require a Deed be executed by the spouse or registered domestic partner of the proposed insured to establish separate property.

A deed from the spouse or registered domestic partner will not eliminate the requirement that both spouses or registered domestic partners execute any new monetary encumbrances to comply with the automatic homestead provisions of RCW 6.13.060 if both spouses or registered domestic partners intend to reside on the Land.

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**SCHEDULE B, PART I
 REQUIREMENTS**
 (continued)

12. Furnish for recordation a full release/reconveyance of deed of trust:

Amount: \$192,000.00
 Dated: March 20, 2012
 Trustor/Grantor: Carl Van Katwijk and Anja Van Katwijk, husband and wife
 Trustee: Benton Franklin Title Company
 Beneficiary: Gesa Credit Union
 Recording Date: March 26, 2012
 Recording No.: 2012-008443

END OF REQUIREMENTS

NOTES

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Note B: Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Note C: Note: Covered Risks 14, 15, 16 and 18 contained in the ALTA Homeowner's Policy of Title Insurance For a One-to-Four Family Residence (10/22/03) include certain deductibles and maximum dollar limits to coverage. The Covered Risks, the deductibles and our maximum dollar limit of liability are:

	Your Deductible Amount:	Our Maximum Dollar Limit:
Covered Risk 14:	1% of Policy Amount, or \$2,500 (whichever is less)	\$10,000
Covered Risk 15:	1% of Policy Amount, or \$5,000 (whichever is less)	\$25,000
Covered Risk 16:	1% of Policy Amount, or \$5,000 (whichever is less)	\$25,000
Covered Risk 18:	1% of Policy Amount, or \$2,500 (whichever is less)	\$5,000

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**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

- Note D: Note: The Company is willing to issue an Extended Coverage Lenders Policy. General Exceptions A-D, inclusive, are hereby deleted.
- ALTA 22-06, ALTA 8.1 and ALTA 9-06 Endorsements will issue with the forthcoming lenders policy.
- Note E: Paragraphs A, B, C, D, E, F, G, H, and I of the General Exceptions will not appear in the ALTA Homeowner's Policy of Title Insurance to be issued.
- Note F: Note: The Public Records indicate that the address of the improvement located on said Land is as follows:
- 615 Cherrywood Loop
Richland, WA 99354
- Note G: Note: FOR INFORMATIONAL PURPOSES ONLY:
- The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:
- Lot(s): 12 and ptn of 13 and 11 Block: 1 Plat of Lynnwood Terrace No. 5
Tax Account No.: 1-3508-204-0001-012
- Note H: Note: There are NO conveyances affecting said Land recorded within 36 months of the date of this report.
- Note I: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy.

END OF NOTES**END OF SCHEDULE B, PART I**

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**SCHEDULE B, PART II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

- A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
- B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
- C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
- D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
- E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
- F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.
- G. Unpatented mining claims, and all rights relating thereto.
- H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
- I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
- J. Water rights, claims or title to water.
- K. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

SPECIAL EXCEPTIONS

1. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2020
Tax Account No.:	1-3508-204-0001-012
Levy Code:	R1
Assessed Value-Land:	\$42,000.00
Assessed Value-Improvements:	\$291,470.00

General and Special Taxes:

Billed:	\$4,057.98
Paid:	\$2,029.01
Unpaid:	\$2,028.97

2. Easement as delineated and/or dedicated on the face of said plat:
Purpose: Utility
3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: October 15, 1974
Recording No: 671371

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

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(continued)

- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

END OF CONDITIONS

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a \$50.00 surcharge.

First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

**A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

Additional Pages:

1" top, side and bottom margins containing no markings or seals.

All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective April 9, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer



179.00'

5' EASEMENT

66' 76'

10' EASEMENT

10'0" EASEMENT

150.00'

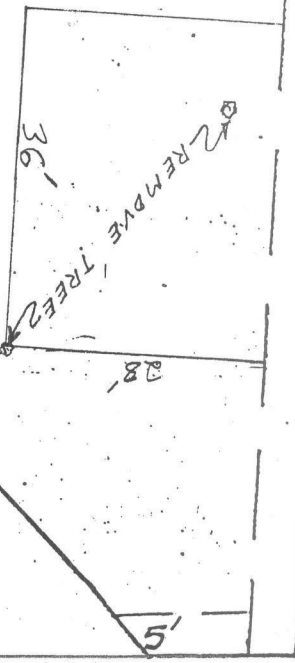
30.42'

7'40.21'

615 CHERRYWOOD LOOP

30'

15'



Lot 12, Block 1

186.16' LYNUWOOD TERRACE #5

SCALE: 20

#22400 JOB #150

CORRECTED PLOT

PLAN REQUESTED FROM

3-26-76



MERSON GALE

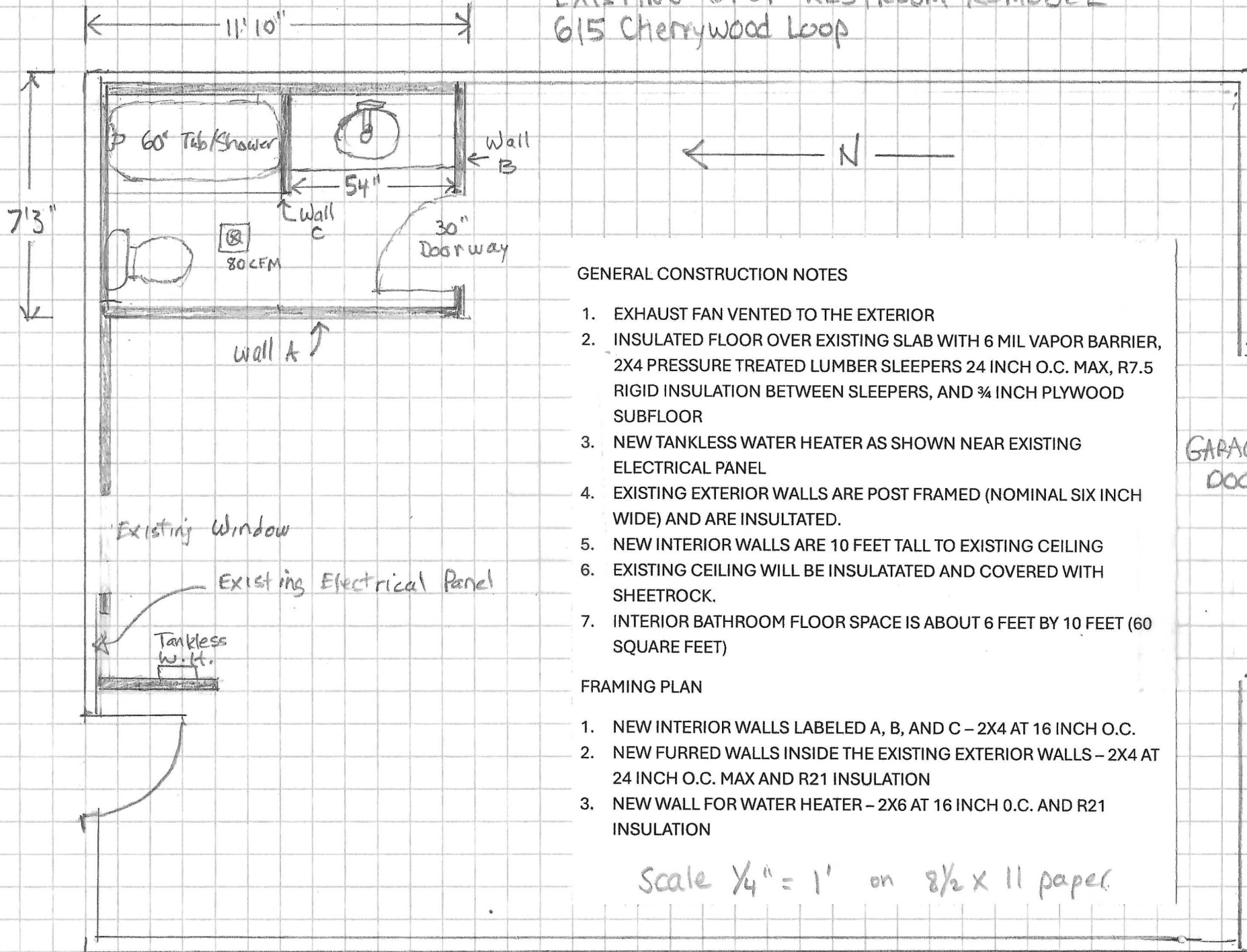
08-00453

CARL VAN KATWIK

(509) 375-1173

61

EXISTING SHOP RESTROOM REMODEL
615 Cherrywood Loop



GENERAL CONSTRUCTION NOTES

1. EXHAUST FAN VENTED TO THE EXTERIOR
2. INSULATED FLOOR OVER EXISTING SLAB WITH 6 MIL VAPOR BARRIER, 2X4 PRESSURE TREATED LUMBER SLEEPERS 24 INCH O.C. MAX, R7.5 RIGID INSULATION BETWEEN SLEEPERS, AND 3/4 INCH PLYWOOD SUBFLOOR
3. NEW TANKLESS WATER HEATER AS SHOWN NEAR EXISTING ELECTRICAL PANEL
4. EXISTING EXTERIOR WALLS ARE POST FRAMED (NOMINAL SIX INCH WIDE) AND ARE INSULATED.
5. NEW INTERIOR WALLS ARE 10 FEET TALL TO EXISTING CEILING
6. EXISTING CEILING WILL BE INSULATED AND COVERED WITH SHEETROCK.
7. INTERIOR BATHROOM FLOOR SPACE IS ABOUT 6 FEET BY 10 FEET (60 SQUARE FEET)

FRAMING PLAN

1. NEW INTERIOR WALLS LABELED A, B, AND C - 2X4 AT 16 INCH O.C.
2. NEW FURRED WALLS INSIDE THE EXISTING EXTERIOR WALLS - 2X4 AT 24 INCH O.C. MAX AND R21 INSULATION
3. NEW WALL FOR WATER HEATER - 2X6 AT 16 INCH O.C. AND R21 INSULATION

Scale 1/4" = 1' on 8 1/2 x 11 paper.

Exhibit 3

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1337

Chapter 334, Laws of 2023

(partial veto)

68th Legislature
2023 Regular Session

GROWTH MANAGEMENT ACT—ACCESSORY DWELLING UNITS—URBAN GROWTH AREAS

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 85 Nays 11

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2023
Yeas 39 Nays 7

DENNY HECK

President of the Senate

Approved May 8, 2023 1:13 PM with the
exception of section 5, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1337** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1337

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri, and Stonier

Read first time 01/16/23. Referred to Committee on Housing.

1 AN ACT Relating to expanding housing options by easing barriers
2 to the construction and use of accessory dwelling units; amending RCW
3 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to
4 chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding
5 a new section to chapter 64.32 RCW; adding a new section to chapter
6 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new
7 section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400,
8 36.70.677, and 43.63A.215.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature makes the following
11 findings:

12 (a) Washington state is experiencing a housing affordability
13 crisis. Many communities across the state are in need of more housing
14 for renters across the income spectrum.

15 (b) Many cities dedicate the majority of residentially zoned land
16 to single detached houses that are increasingly financially out of
17 reach for many households. Due to their smaller size, accessory
18 dwelling units can provide a more affordable housing option in those
19 single-family zones.

20 (c) Localities can start to correct for historic economic and
21 racial exclusion in single-family zones by opening up these

1 neighborhoods to more diverse housing types, including accessory
2 dwelling units, that provide lower cost homes. Increasing housing
3 options in expensive, high-opportunity neighborhoods will give more
4 families access to schools, parks, and other public amenities
5 otherwise accessible to only the wealthy.

6 (d) Accessory dwelling units are frequently rented below market
7 rate, providing additional affordable housing options for renters.

8 (e) Accessory dwelling units can also help to provide housing for
9 very low-income households. More than 10 percent of accessory
10 dwelling units in some areas are occupied by tenants who pay no rent
11 at all; among these tenants are grandparents, adult children, family
12 members with disabilities, friends going through life transitions,
13 and community members in need. Accessory dwelling units meet the
14 needs of these people who might otherwise require subsidized housing
15 space and resources.

16 (f) Accessory dwelling units can meet the needs of Washington's
17 growing senior population, making it possible for this population to
18 age in their communities by offering senior-friendly housing, which
19 prioritizes physical accessibility, in walkable communities near
20 amenities essential to successful aging in place, including transit
21 and grocery stores, without requiring costly renovations of existing
22 housing stock.

23 (g) Homeowners who add an accessory dwelling unit may benefit
24 from added income and an increased sense of security.

25 (h) Accessory dwelling units provide environmental benefits. On
26 average they are more energy efficient than single detached houses,
27 and they incentivize adaptive reuse of existing homes and materials.

28 (i) Siting accessory dwelling units near transit hubs, employment
29 centers, and public amenities can help to reduce greenhouse gas
30 emissions by increasing walkability, shortening household commutes,
31 and curtailing sprawl.

32 (2) The legislature intends to promote and encourage the creation
33 of accessory dwelling units as a means to address the need for
34 additional affordable housing options.

35 **Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to
36 read as follows:

37 The definitions in this section apply throughout RCW 36.70A.697
38 (~~and~~), 36.70A.698, and sections 3 and 4 of this act unless the
39 context clearly requires otherwise.

1 (1) "Accessory dwelling unit" means a dwelling unit located on
2 the same lot as a single-family housing unit, duplex, triplex,
3 townhome, or other housing unit.

4 (2) "Attached accessory dwelling unit" means an accessory
5 dwelling unit located within or attached to a single-family housing
6 unit, duplex, triplex, townhome, or other housing unit.

7 (3) "City" means any city, code city, and town located in a
8 county planning under RCW 36.70A.040.

9 (4) "County" means any county planning under RCW 36.70A.040.

10 (5) "Detached accessory dwelling unit" means an accessory
11 dwelling unit that consists partly or entirely of a building that is
12 separate and detached from a single-family housing unit, duplex,
13 triplex, townhome, or other housing unit and is on the same property.

14 (6) "Dwelling unit" means a residential living unit that provides
15 complete independent living facilities for one or more persons and
16 that includes permanent provisions for living, sleeping, eating,
17 cooking, and sanitation.

18 (7) "Gross floor area" means the interior habitable area of a
19 dwelling unit including basements and attics but not including a
20 garage or accessory structure.

21 (8) "Major transit stop" means:

22 (a) A stop on a high capacity transportation system funded or
23 expanded under the provisions of chapter 81.104 RCW;

24 (b) Commuter rail stops;

25 (c) Stops on rail or fixed guideway systems, including
26 transitways;

27 (d) Stops on bus rapid transit routes or routes that run on high
28 occupancy vehicle lanes; or

29 (e) Stops for a bus or other transit mode providing actual fixed
30 route service at intervals of at least fifteen minutes for at least
31 five hours during the peak hours of operation on weekdays.

32 ((+8)) (9) "Owner" means any person who has at least 50 percent
33 ownership in a property on which an accessory dwelling unit is
34 located.

35 ((+9)) (10) "Principal unit" means the single-family housing
36 unit, duplex, triplex, townhome, or other housing unit located on the
37 same lot as an accessory dwelling unit.

38 (11) "Short-term rental" means a lodging use, that is not a hotel
39 or motel or bed and breakfast, in which a dwelling unit, or portion

1 thereof, is offered or provided to a guest by a short-term rental
2 operator for a fee for fewer than 30 consecutive nights.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) (a) Cities and counties planning under this chapter must adopt
6 or amend by ordinance, and incorporate into their development
7 regulations, zoning regulations, and other official controls the
8 requirements of this section and of section 4 of this act, to take
9 effect six months after the jurisdiction's next periodic
10 comprehensive plan update required under RCW 36.70A.130.

11 (b) In any city or county that has not adopted or amended
12 ordinances, regulations, or other official controls as required under
13 this section, the requirements of this section and section 4 of this
14 act supersede, preempt, and invalidate any conflicting local
15 development regulations.

16 (2) Ordinances, development regulations, and other official
17 controls adopted or amended pursuant to this section and section 4 of
18 this act must only apply in the portions of towns, cities, and
19 counties that are within urban growth areas designated under this
20 chapter.

21 (3) Any action taken by a city or county to comply with the
22 requirements of this section or section 4 of this act is not subject
23 to legal challenge under this chapter or chapter 43.21C RCW.

24 (4) Nothing in this section or section 4 of this act requires or
25 authorizes a city or county to authorize the construction of an
26 accessory dwelling unit in a location where development is restricted
27 under other laws, rules, or ordinances as a result of physical
28 proximity to on-site sewage system infrastructure, critical areas, or
29 other unsuitable physical characteristics of a property.

30 (5) Nothing in this section or in section 4 of this act prohibits
31 a city or county from:

32 (a) Restricting the use of accessory dwelling units for short-
33 term rentals;

34 (b) Applying public health, safety, building code, and
35 environmental permitting requirements to an accessory dwelling unit
36 that would be applicable to the principal unit, including regulations
37 to protect ground and surface waters from on-site wastewater;

38 (c) Applying generally applicable development regulations to the
39 construction of an accessory unit, except when the application of

1 such regulations would be contrary to this section or to section 4 of
2 this act;

3 (d) Prohibiting the construction of accessory dwelling units on
4 lots that are not connected to or served by public sewers; or

5 (e) Prohibiting or restricting the construction of accessory
6 dwelling units in residential zones with a density of one dwelling
7 unit per acre or less that are within areas designated as wetlands,
8 fish and wildlife habitats, flood plains, or geologically hazardous
9 areas.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
11 RCW to read as follows:

12 (1) In addition to ordinances, development regulations, and other
13 official controls adopted or amended to comply with this section and
14 section 3 of this act, a city or county must comply with all of the
15 following policies:

16 (a) The city or county may not assess impact fees on the
17 construction of accessory dwelling units that are greater than 50
18 percent of the impact fees that would be imposed on the principal
19 unit;

20 (b) The city or county may not require the owner of a lot on
21 which there is an accessory dwelling unit to reside in or occupy the
22 accessory dwelling unit or another housing unit on the same lot;

23 (c) The city or county must allow at least two accessory dwelling
24 units on all lots that are located in all zoning districts within an
25 urban growth area that allow for single-family homes in the following
26 configurations:

27 (i) One attached accessory dwelling unit and one detached
28 accessory dwelling unit;

29 (ii) Two attached accessory dwelling units; or

30 (iii) Two detached accessory dwelling units, which may be
31 comprised of either one or two detached structures;

32 (d) The city or county must permit accessory dwelling units in
33 structures detached from the principal unit;

34 (e) The city or county must allow an accessory dwelling unit on
35 any lot that meets the minimum lot size required for the principal
36 unit;

37 (f) The city or county may not establish a maximum gross floor
38 area requirement for accessory dwelling units that is less than 1,000
39 square feet;

1 (g) The city or county may not establish roof height limits on an
2 accessory dwelling unit of less than 24 feet, unless the height
3 limitation that applies to the principal unit is less than 24 feet,
4 in which case a city or county may not impose roof height limitation
5 on accessory dwelling units that is less than the height limitation
6 that applies to the principal unit;

7 (h) A city or county may not impose setback requirements, yard
8 coverage limits, tree retention mandates, restrictions on entry door
9 locations, aesthetic requirements, or requirements for design review
10 for accessory dwelling units that are more restrictive than those for
11 principal units;

12 (i) A city or county must allow detached accessory dwelling units
13 to be sited at a lot line if the lot line abuts a public alley,
14 unless the city or county routinely plows snow on the public alley;

15 (j) A city or county must allow accessory dwelling units to be
16 converted from existing structures, including but not limited to
17 detached garages, even if they violate current code requirements for
18 setbacks or lot coverage;

19 (k) A city or county may not prohibit the sale or other
20 conveyance of a condominium unit independently of a principal unit
21 solely on the grounds that the condominium unit was originally built
22 as an accessory dwelling unit; and

23 (l) A city or county may not require public street improvements
24 as a condition of permitting accessory dwelling units.

25 (2)(a) A city or county subject to the requirements of this
26 section may not:

27 (i) Require off-street parking as a condition of permitting
28 development of accessory dwelling units within one-half mile walking
29 distance of a major transit stop;

30 (ii) Require more than one off-street parking space per unit as a
31 condition of permitting development of accessory dwelling units on
32 lots smaller than 6,000 square feet before any zero lot line
33 subdivisions or lot splits; and

34 (iii) Require more than two off-street parking spaces per unit as
35 a condition of permitting development of accessory dwelling units on
36 lots greater than 6,000 square feet before any zero lot line
37 subdivisions or lot splits.

38 (b) The provisions of (a) of this subsection do not apply:

39 (i) If a local government submits to the department an empirical
40 study prepared by a credentialed transportation or land use planning

1 expert that clearly demonstrates, and the department finds and
2 certifies, that the application of the parking limitations of (a) of
3 this subsection for accessory dwelling units will be significantly
4 less safe for vehicle drivers or passengers, pedestrians, or
5 bicyclists than if the jurisdiction's parking requirements were
6 applied to the same location for the same number of detached houses.
7 The department must develop guidance to assist cities and counties on
8 items to include in the study; or

9 (ii) To portions of cities within a one mile radius of a
10 commercial airport in Washington with at least 9,000,000 annual
11 enplanements.

12 (3) When regulating accessory dwelling units, cities and counties
13 may impose a limit of two accessory dwelling units, in addition to
14 the principal unit, on a residential lot of 2,000 square feet or
15 less.

16 (4) The provisions of this section do not apply to lots
17 designated with critical areas or their buffers as designated in RCW
18 36.70A.060, or to a watershed serving a reservoir for potable water
19 if that watershed is or was listed, as of the effective date of this
20 section, as impaired or threatened under section 303(d) of the
21 federal clean water act (33 U.S.C. Sec. 1313(d)).

22 ***NEW SECTION. Sec. 5. A new section is added to chapter 36.70A**
23 **RCW to read as follows:**

24 **To encourage the use of accessory dwelling units for long-term**
25 **housing, cities and counties may adopt ordinances, development**
26 **regulations, and other official controls which waive or defer fees,**
27 **including impact fees, defer the payment of taxes, or waive specific**
28 **regulations. Cities and counties may only offer such reduced or**
29 **deferred fees, deferred taxes, waivers, or other incentives for the**
30 **development or construction of accessory dwelling units if:**

31 **(1) The units are located within an urban growth area; and**

32 **(2) The units are subject to a program adopted by the city or**
33 **county with effective binding commitments or covenants that the units**
34 **will be primarily utilized for long-term housing consistent with the**
35 **public purpose for this authorization.**

***Sec. 5 was vetoed. See message at end of chapter.**

36 **Sec. 6.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to
37 read as follows:

1 (1) Adoption of ordinances, development regulations and
2 amendments to such regulations, and other nonproject actions taken by
3 a city to implement: The actions specified in section 2, chapter 246,
4 Laws of 2022 unless the adoption of such ordinances, development
5 regulations and amendments to such regulations, or other nonproject
6 actions has a probable significant adverse impact on fish habitat;
7 and the increased residential building capacity actions identified in
8 RCW 36.70A.600(1), with the exception of the action specified in RCW
9 36.70A.600(1)(f), are not subject to administrative or judicial
10 appeals under this chapter.

11 (2) Adoption of ordinances, development regulations and
12 amendments to such regulations, and other nonproject actions taken by
13 a city or county consistent with the requirements of sections 3 and 4
14 of this act are not subject to administrative or judicial appeals
15 under this chapter.

16 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
17 read as follows:

18 (1) The growth management hearings board shall hear and determine
19 only those petitions alleging either:

20 (a) That, except as provided otherwise by this subsection, a
21 state agency, county, or city planning under this chapter is not in
22 compliance with the requirements of this chapter, chapter 90.58 RCW
23 as it relates to the adoption of shoreline master programs or
24 amendments thereto, or chapter 43.21C RCW as it relates to plans,
25 development regulations, or amendments, adopted under RCW 36.70A.040
26 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
27 to hear petitions alleging noncompliance (~~with RCW 36.70A.5801~~)
28 based on a city or county's actions taken to implement the
29 requirements of sections 3 and 4 of this act within an urban growth
30 area;

31 (b) That the (~~twenty~~) 20-year growth management planning
32 population projections adopted by the office of financial management
33 pursuant to RCW 43.62.035 should be adjusted;

34 (c) That the approval of a work plan adopted under RCW
35 36.70A.735(1)(a) is not in compliance with the requirements of the
36 program established under RCW 36.70A.710;

37 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
38 regionally applicable and cannot be adopted, wholly or partially, by
39 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that plans under this chapter; (b) a person who has
5 participated orally or in writing before the county or city regarding
6 the matter on which a review is being requested; (c) a person who is
7 certified by the governor within (~~sixty~~) 60 days of filing the
8 request with the board; or (d) a person qualified pursuant to RCW
9 34.05.530.

10 (3) For purposes of this section "person" means any individual,
11 partnership, corporation, association, state agency, governmental
12 subdivision or unit thereof, or public or private organization or
13 entity of any character.

14 (4) To establish participation standing under subsection (2)(b)
15 of this section, a person must show that his or her participation
16 before the county or city was reasonably related to the person's
17 issue as presented to the board.

18 (5) When considering a possible adjustment to a growth management
19 planning population projection prepared by the office of financial
20 management, the board shall consider the implications of any such
21 adjustment to the population forecast for the entire state.

22 The rationale for any adjustment that is adopted by the board
23 must be documented and filed with the office of financial management
24 within ten working days after adoption.

25 If adjusted by the board, a county growth management planning
26 population projection shall only be used for the planning purposes
27 set forth in this chapter and shall be known as the "board adjusted
28 population projection." None of these changes shall affect the
29 official state and county population forecasts prepared by the office
30 of financial management, which shall continue to be used for state
31 budget and planning purposes.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A
33 RCW to read as follows:

34 (1) By December 31, 2023, the department must revise its
35 recommendations for encouraging accessory dwelling units to include
36 the provisions of sections 3 and 4 of this act.

37 (2) During each comprehensive plan review required by RCW
38 36.70A.130, the department must review local government comprehensive
39 plans and development regulations for compliance with sections 3 and

1 4 of this act and the department's recommendations under subsection
2 (1) of this section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 64.34
4 RCW to read as follows:

5 (1) Except a declaration created to protect public health and
6 safety, and ground and surface waters from on-site wastewater, a
7 declaration created after the effective date of this section and
8 applicable to a property located within an urban growth area may not
9 impose any restriction or prohibition on the construction,
10 development, or use on a lot of an accessory dwelling unit that the
11 city or county in which the urban growth area is located would be
12 prohibited from imposing under section 4 of this act.

13 (2) For the purposes of this section, "urban growth area" has the
14 same meaning as in RCW 36.70A.030.

15 (3) A city or county issuing a permit for the construction of an
16 accessory dwelling unit may not be held civilly liable on the basis
17 that the construction of the accessory dwelling unit would violate a
18 restrictive covenant or deed restriction.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 64.32
20 RCW to read as follows:

21 (1) Except a declaration created to protect public health and
22 safety, and ground and surface waters from on-site wastewater, a
23 declaration created after the effective date of this section and
24 applicable to a property located within an urban growth area may not
25 impose any restriction or prohibition on the construction,
26 development, or use on a lot of an accessory dwelling unit that the
27 city or county in which the urban growth area is located would be
28 prohibited from imposing under section 4 of this act.

29 (2) For the purposes of this section, "urban growth area" has the
30 same meaning as in RCW 36.70A.030.

31 (3) A city or county issuing a permit for the construction of an
32 accessory dwelling unit may not be held civilly liable on the basis
33 that the construction of the accessory dwelling unit would violate a
34 restrictive covenant or deed restriction.

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 64.38
36 RCW to read as follows:

1 (1) Except governing documents of associations created to protect
2 public health and safety, and ground and surface waters from on-site
3 wastewater, governing documents of associations created after the
4 effective date of this section and applicable to a property located
5 within an urban growth area may not impose any restriction or
6 prohibition on the construction, development, or use on a lot of an
7 accessory dwelling unit that the city or county in which the urban
8 growth area is located would be prohibited from imposing under
9 section 4 of this act.

10 (2) For the purposes of this section, "urban growth area" has the
11 same meaning as in RCW 36.70A.030.

12 (3) A city or county issuing a permit for the construction of an
13 accessory dwelling unit may not be held civilly liable on the basis
14 that the construction of the accessory dwelling unit would violate a
15 restrictive covenant or deed restriction.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 64.90
17 RCW to read as follows:

18 (1) Except declarations and governing documents of common
19 interest communities created to protect public health and safety, and
20 ground and surface waters from on-site wastewater, declarations and
21 governing documents of common interest communities created after the
22 effective date of this section and applicable to a property located
23 within an urban growth area may not impose any restriction or
24 prohibition on the construction, development, or use on a lot of an
25 accessory dwelling unit that the city or county in which the urban
26 growth area is located would be prohibited from imposing under
27 section 4 of this act.

28 (2) For the purposes of this section, "urban growth area" has the
29 same meaning as in RCW 36.70A.030.

30 (3) A city or county issuing a permit for the construction of an
31 accessory dwelling unit may not be held civilly liable on the basis
32 that the construction of the accessory dwelling unit would violate a
33 restrictive covenant or deed restriction.

34 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

37 (2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

38 (3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

1 (4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and
2 (5) RCW 43.63A.215 (Accessory apartments—Development and
3 placement—Local governments) and 1993 c 478 s 7.

Passed by the House April 14, 2023.

Passed by the Senate April 6, 2023.

Approved by the Governor May 8, 2023, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2023.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 5, Engrossed House Bill No. 1337 entitled:

"AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units."

Section 5 of the bill gives local governments authority to waive or defer fees, defer payment of taxes, or waive other regulations for the development of accessory dwelling units (ADUs) if specified conditions are met. The specified conditions are that the ADU must be located within an urban growth area, and the ADU must be subject to a locally adopted covenant program ensuring that the ADU will be primarily utilized for long-term housing. Current law allows local governments to waive fees, taxes, and to establish various incentives for the construction of ADUs without requiring the creation of a local covenant program. The administrative costs necessary to administer a new covenant program for ADUs may cause some cities to discontinue current incentive programs.

For these reasons I have vetoed Section 5 of Engrossed House Bill No. 1337.

With the exception of Section 5, Engrossed House Bill No. 1337 is approved."

--- END ---

Vicinity Map

Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013

Exhibit 4



0 40 80 160 Feet



Land Use Map

Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013



0 40 80 160 Feet



Legend

-  Site Area
-  Developed Open Space
-  High Density Residential
-  Low-Density Residential
-  Medium Density Residential

Zoning Map





Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013



0 40 80 160 Feet



Legend

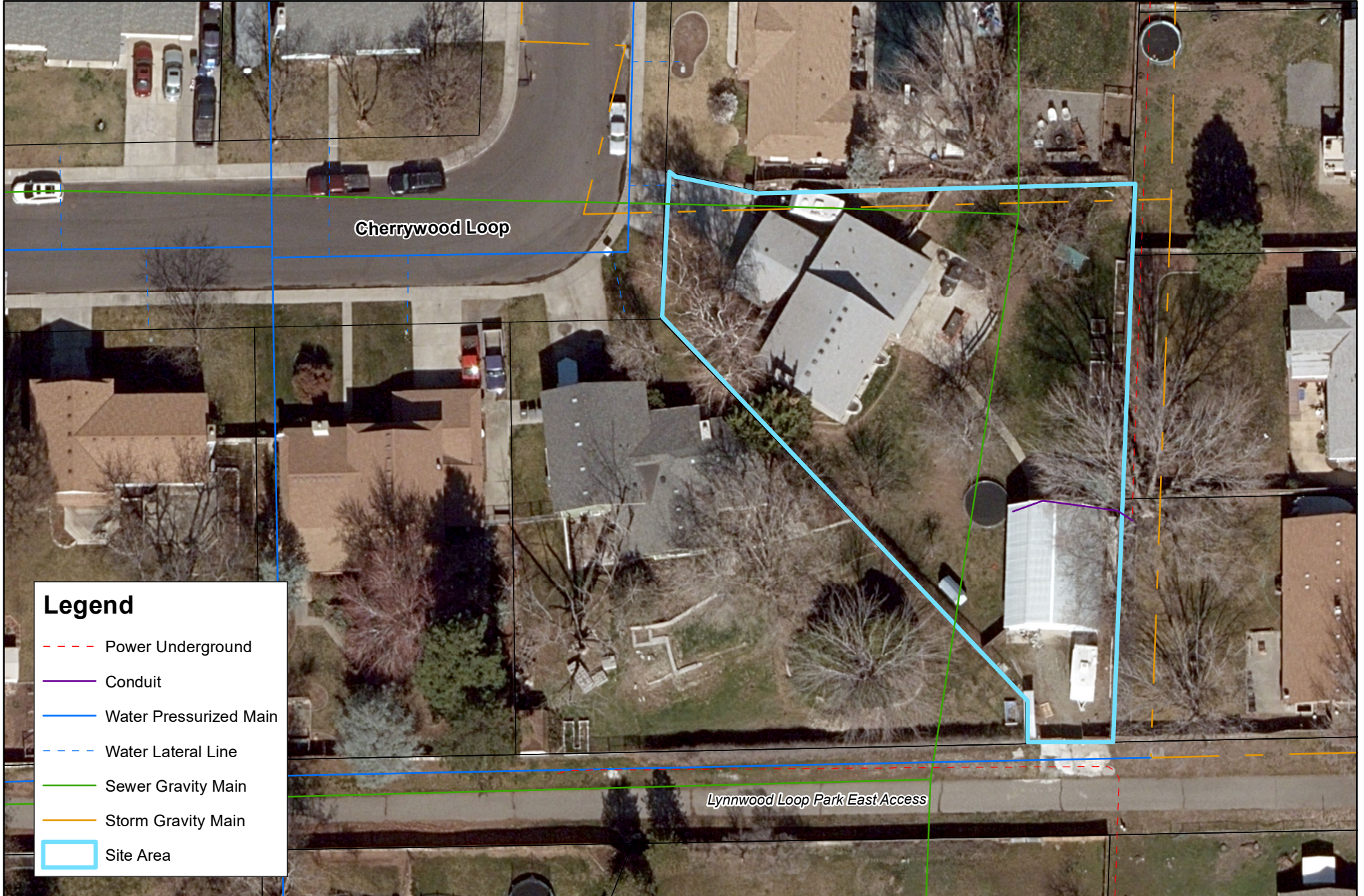
-  Site Area
- Zoning
 -  PPF
 -  R-1-10
 -  R-3

Utilities Map

Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013



0 15 30 60 Feet

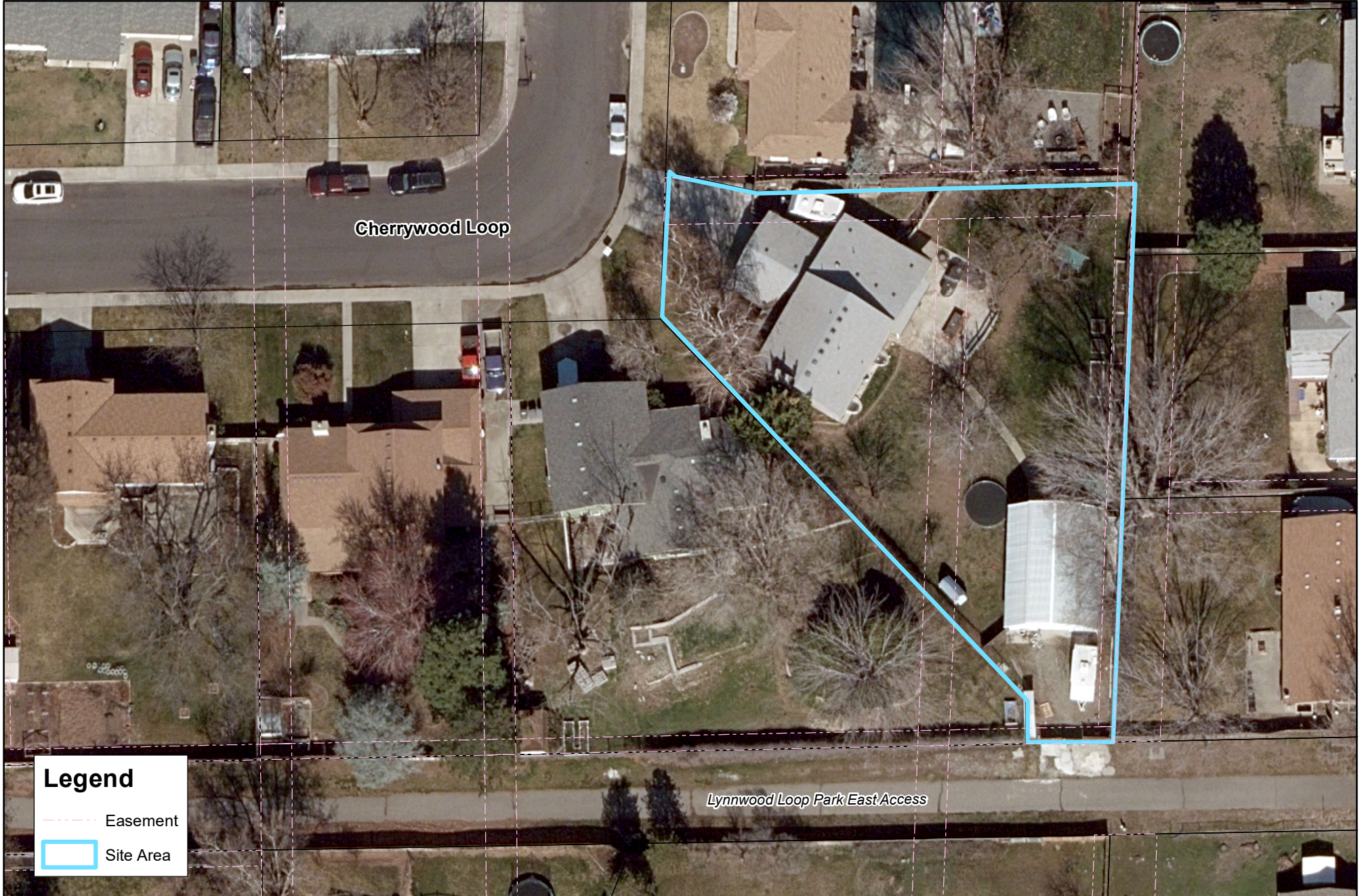


Easement Map

Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013



0 15 30 60 Feet



Legend

- Easement
- Site Area



Richland

Exhibit 5

CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (PLN-T2-2025-00013)

Notice is hereby given that Brian Dixon, on behalf of Spencer Dixon, has applied for a major variance. The applicant is requesting relief from the standards of RMC Chapter 23.42.020, Ch. 23.38.020, and Ch. 23.18.040 to allow for conversion of an existing shop into an accessory apartment/dwelling unit. Additional information can be found on this webpage: <https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

Project Site: The project site is located at 615 Cherrywood Loop (APN 135082040001012).

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application at 6:00 p.m., Thursday, June 19, 2025 at City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

Environmental Review: The proposal is not subject to environmental review.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Ryan Nelson, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to planning@ci.richland.wa.us.

Comment Period Begins: May 25, 2025
Comment Period Ends: June 19, 2025

Written comments must be received no later than 5:00 p.m. on Wednesday, June 11th, 2025, to be incorporated into the staff report. Comments received after that time will be entered into the record during the hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning and Title 19 Development Regulations Administration. Appeal procedures of decisions related to the above referenced applications are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013



Please publish the following:

Type of Legal Ad: Notice of Application, Public Hearing

Date(s) of Publication: Sunday, May 25, 2025

Richland's TCH Account: AP36823

For Invoice Text Box on TCH Invoice PLN-T2-2025-00013
(Richland MUNIS Description)

For PO Box on TCH Invoice D2586000 4401
(Richland Account No. - MUNIS)

Attention: Jen Anderson (TC)

**CITY OF RICHLAND
NOTICE OF APPLICATION, PUBLIC HEARING**

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Date Published: Sunday, May 25, 2025



Richland

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Vicinity Map

Item: 615 Cherrywood Loop - Major Variance
Applicant: Brian Dixon
File #: PLN-T2-2025-00013



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AFFIDAVIT OF MAILING

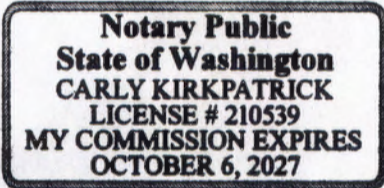
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

- 1. I am an employee in the Planning & Development Department for the City of Richland.
- 2. On the 23rd day of May, 2025 I mailed a copy of the attached CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (PLN-T2-2025-00013) to the attached list of individuals via regular USPS or email on the date indicated above.

Jodi Hogan
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 27th day of May, 2025 by



Carly Kirkpatrick
Notary Public in and for the State of Washington,
Carly Kirkpatrick
Print Name
Residing at Benton County
My appointment expires: Oct. 6, 2027

AFFIDAVIT OF MAILING - 1
Notice of Closed Record Hearing attached.
Address list attached.

David Baker
614 Lynnwood Ct
Richland, Wa 99354-1860

Craig Barrington
617 Cherrywood Loop
Richland, Wa 99354

Spencer Dixon
615 Cherrywood Loop
Richland, Wa 99354

Elisabeth Hassett
2235 Carriage Ave
Richland, Wa 99354

Shawn Bassler
2243 Carriage Ave
Richland, Wa 99354

Breana Nuku
618 Cherrywood Loop
Richland, Wa 99354

City Of Richland : Build & Grounds
Po Box 190
Richland, Wa 99352-0190

Clive Francis
623 Cherrywood Loop
Richland, Wa 99354

Misty Kuch
613 Cherrywood Loop
Richland, Wa 99354

Jennica Mackley
2229 Carriage Ave
Richland, Wa 99354

Luz Medrano
2237 Carriage Ave
Richland, Wa 99354

Tony Nguyen
607 Cherrywood Loop
Richland, Wa 99354

City:Water-Irr
Po Box 190
Richland, Wa 99352-0190

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
36823	664868	Print Legal Ad-IPL02350110 - IPL0235011	BOA PHN PLN-T2-2025-0	1	60 L

Attention: Jennifer Anderson

CITY OF RICHLAND/LEGALS
 625 SWIFT BLVD. MS-05
 RICHLAND, WA 99352

janderson@ci.richland.wa.us

**CITY OF RICHLAND
 NOTICE OF APPLICATION,
 PUBLIC HEARING**

Notice: Brian Dixon, on behalf of Spencer Dixon, has applied for a major variance. The applicant is requesting relief from the standards of RMC Chapters 23.42.020, 23.38.020, and 23.18.040 to allow for the conversion of an existing shop into an accessory apartment/dwelling unit. Additional information can be found on the City of Richland's website at <https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

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Appeal: The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning and Title 19 Development Regulations Administration. Appeal procedures of decisions related to the above-referenced applications are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above-referenced address with questions related to the available appeal process.

PLN-T2-2025-00013
 IPL0235011
 May 25 2025

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Mary Castro, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 05/25/2025, and ending on 05/25/2025 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:

05/25/25

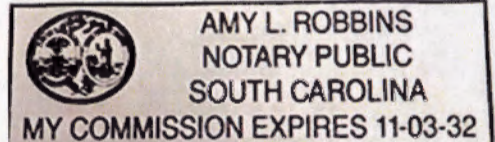
Mary Castro

(Signature of Legals Clerk)

Sworn to and subscribed before me this 27th day of May in the year of 2025

Amy Robbins

Notary Public in and for the state of South Carolina,
 residing in Beaufort County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

Exhibit 6

From: [Castle,Angela C \(CONTR\) - TERR-PASCO](#)
To: [Planning](#)
Cc: [Rodgers,Deborah \(CONTR\) - TERR-TRI CITIES RMHQ](#); [Cummings,Nicole M \(BPA\) - TERR-TRI CITIES RMHQ](#)
Subject: RE: Major Variance Request for 615 Cherrywood Loop
Date: Thursday, May 29, 2025 9:05:15 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Ryan,

Bonneville Power Administration's (BPA) has had the opportunity to review an application for the Major Variance located at 615 Cherrywood Loop, Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities over 1700 feet west of the subject properties. BPA does not have any objections to the approval of this request at this time.

If you have any questions or need additional information, please feel free to contact Nicole Cummings, at 509-542-5499, by email at [NMCummings@bpa.gov](mailto:NM Cummings@bpa.gov).

Thank you for the opportunity to review this application.

Angela Castle

[BONNEVILLE POWER ADMINISTRATION](#)

[DEPARTMENT OF ENERGY](#)

(CONTR) Actalent

Realty Technician II | TERR | East

accastle@bpa.gov | 509-544-4747

From: Planning <planning@ci.richland.wa.us>

Sent: Wednesday, May 28, 2025 12:58 PM

To: ian_gray@yakama.com <ian_gray@yakama.com>; [Castle,Angela C \(CONTR\) - TERR-PASCO](mailto:Castle,Angela C (CONTR) - TERR-PASCO) <ACCastle@bpa.gov>; Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Craig Hamilton <c.hamilton@bces.wa.gov>; [Rodgers,Deborah \(CONTR\) - TERR-TRI CITIES RMHQ <dxrodders@bpa.gov>](mailto:Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodders@bpa.gov>); DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Davis, Deanna <d.davis@bces.wa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Homero.Gonzalez@ziply.com; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; [Kinch,James L \(BPA\) - TERR-BELL-1 <JLKinch@bpa.gov>](mailto:Kinch,James L (BPA) - TERR-BELL-1 <JLKinch@bpa.gov>); Junior Campos <junior.campos@charter.com>; Katherine Cichy <Katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; Kramer, Steve <skramer@ci.richland.wa.us>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>;

Cummings, Nicole M (BPA) - TERR-TRI CITIES RMHQ <NMCummings@bpa.gov>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Planning.Department@co.benton.wa.us; PublicWorks@co.benton.wa.us; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; rgoede@noanet.net; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Schluter, Shaun <sschluter@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Zanin, Heather <hzanin@ci.richland.wa.us>
Subject: Major Variance Request for 615 Cherrywood Loop

Good Afternoon,

Brian Dixon, on behalf of Spencer Dixon (property owner), has submitted an application to the City of Richland for a Major Variance to seek a relief from the standards of RMC Chapter 23.42.020, Ch. 23.38.020, and Ch. 23.18.040 to allow for the conversion of an existing shop into an accessory apartment/dwelling unit. The project site is located at 615 Cherrywood Loop, Richland, WA. The zoning for the site is R-1-10, low density residential. Please review the attached materials relative to your agency's regulations and submit any comments no later than 5:00 PM June 11, 2025. Comments may be submitted via e-mail to planning@ci.richland.wa.us or mailed to: Richland Development Services Department, 625 Swift Boulevard, MS #35, Richland, WA 99352.

Thank you,



Ryan Nelson
Planner

625 Swift Blvd., MS-35 | Richland, WA 99352
509.942.7587

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From: [Chris Sittman](#)
To: [Planning](#)
Cc: [Wendy Durado](#)
Subject: RE: Major Variance Request for 615 Cherrywood Loop
Date: Tuesday, June 3, 2025 11:19:32 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

KID has no comments.

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Planning <planning@ci.richland.wa.us>
Sent: Wednesday, May 28, 2025 12:58 PM
To: ian_gray@yakama.com <ian_gray@yakama.com>; accastle@bpa.gov <accastle@bpa.gov>; Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Craig Hamilton <c.hamilton@bces.wa.gov>; D. Rodgers <dxrodgers@bpa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Davis, Deanna <d.davis@bces.wa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Homero.Gonzalez@ziply.com; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <JMcShane@kid.org>; JLKinch@bpa.gov; Junior Campos <junior.campos@charter.com>; Katherine Cichy <Katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; Kramer, Steve <skramer@ci.richland.wa.us>; M. Deklyne <mjdekllyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; NMCummings@bpa.gov; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Planning.Department@co.benton.wa.us; PublicWorks@co.benton.wa.us; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; rgoede@noanet.net; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Schluter, Shaun <sschluter@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Zanin, Heather <hzanin@ci.richland.wa.us>

Subject: Major Variance Request for 615 Cherrywood Loop

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

Good Afternoon,

Brian Dixon, on behalf of Spencer Dixon (property owner), has submitted an application to the City of Richland for a Major Variance to seek a relief from the standards of RMC Chapter 23.42.020, Ch. 23.38.020, and Ch. 23.18.040 to allow for the conversion of an existing shop into an accessory apartment/dwelling unit. The project site is located at 615 Cherrywood Loop, Richland, WA. The zoning for the site is R-1-10, low density residential. Please review the attached materials relative to your agency's regulations and submit any comments no later than 5:00 PM June 11, 2025. Comments may be submitted via e-mail to planning@ci.richland.wa.us or mailed to: Richland Development Services Department, 625 Swift Boulevard, MS #35, Richland, WA 99352.

Thank you,



Ryan Nelson

Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

509.942.7587

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From: [Craig Barrington](#)
To: [Planning](#)
Cc: [Rebecca Barrington](#)
Subject: Re: File # PLN-T2-2025-00013
Date: Friday, June 6, 2025 8:21:40 PM

You don't often get email from cbarring350@yahoo.com. [Learn why this is important](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

June 6, 2025

To: Ryan Nelson
Planner
625 Swift Boulevard, MS-35
Richland, WA 99352
Planning@ci.richland.wa.us

We, Craig and Rebecca Barrington, resident owners of 617 Cherrywood Loop, have lived at that address for over thirty years. Our property, 617, Cherrywood Loop, is adjacent to 615 Cherrywood Loop on an inside corner of that street. Several years ago, we didn't object to the construction of the two-story shop. We even filed a quit claim to a small (7'x30' triangle) corner of our property without compensation to allow reasonable access to the shop from the alley behind 615 Cherrywood Loop.

However, we do object to the shop being repurposed as a residence of any kind for two reasons:

1. Negative impact on the neighborhood parking near our house, which is lacking at times, inconveniencing the four drivers in our residence causing them to search for parking in areas that can similarly impact other neighbors. We have had neighbors complain about where we (legally and so, reasonably) park.
2. Negative impact on our property caused by lack of adequate access to a dwelling located in the backyard of 615 Cherrywood Loop; adjacent to our property.

Consequences of possible future scenarios haven't been explored in detail, but we suggest we will find any credible impact analysis horrifying. Scenarios include multiple concurrent residents with individual automotive, pet, recreational, outdoor cooking, etc. needs and access behaviors (including night access, pet walking, visitors, etc.). Scenarios include events that occur before and after 615 Cherrywood Loop changes ownership or becomes a rental property.

Additionally, if this plan could ever be executed, we feel impact analyses extending to all variances identified in PLN-T2-2025-00013 need to be explored in detail to ensure our safety and all other impacts are reasonable.

In summary, we, Craig and Rebecca Barrington, current owners of 617 Cherrywood Loop, are

not in favor of conversion of the shop on the adjacent 615 Cherrywood Loop property.

Sincerely,

Craig and Rebecca Barrington, owners of 617 Cherrywood Loop

From: [Nix](#)
To: [Planning](#)
Subject: Ryan Nelson re: PLN-T2-2025-00013
Date: Wednesday, June 11, 2025 6:14:26 PM

You don't often get email from nix472084@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Mr. Nelson,

I have only one comment about 615 Cherrywood Loop's request for variance.

I request that in case they are approved, that it be stated that there be no more dogs added by the residents of the new dwelling unit. The dogs currently living at 615 Cherrywood are a nuisance due to barking, especially early in the morning. If more dogs are brought in by the occupants of the new dwelling, it will just add to the problem.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 7/17/2025

Agenda Category: New Business - Public Hearing

Prepared By: Ryan Nelson, Planner

Subject

92 Hodges Court - Major Variance (PLN-T2-2025-00014)

Department

Development Services

Recommended Motion

Staff's recommendation to the Board of Adjustment is to deny the variance request authorizing the conversion of the existing carport into a garage and the addition of a living room, bedroom, and bathroom behind the garage with the proposed six (6) foot setback.

Summary

The applicant is requesting a variance to seek a reduced side yard setback from the minimum of ten (10) feet, as described in RMC 23.18.040 for the R-1-10 zoning district, to a six (6) feet distance, to allow for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage.

Attachments

I. 92 Hodges Ct - Full Staff Report

Fiscal Impact Summary None.



BOARD OF ADJUSTMENT
STAFF REPORT

File Number: PLN-T2-2025-00014
Prepared By: Ryan Nelson, Planner

Meeting Date: June 19, 2025

General Information

Applicant: Daniel and Andrea Rhoten, Property Owner

Location: 92 Hodges Court, Richland, WA 99354

Parcel #: 135084020824012

Request: Major Variance to RMC Chapter 23.22.040 – To allow for the conversion of an existing carport into a garage and build a living room, bedroom, and bathroom behind the garage within approximately 6 feet of the side yard.

Zoning: R-1-10 (Single-Family Residential – 10,000)

Legal

Description: Lot 12, Block 824, Plat of Richland.

Adjacent

Uses: *North:* One-Family Detached Dwellings
East: One-Family Detached Dwellings
South: One-Family Detached Dwellings
West: One-Family Detached Dwellings

Reason for Request

The applicant is requesting a variance to seek a reduced side yard setback from the minimum of ten (10) feet, as described in RMC 23.18.040 for the R-1-10 zoning district, to a six (6) feet distance, to allow for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage.

Applicable Richland Municipal Code Review

RMC Chapter 23.18 – Residential Zoning Districts

23.18.040 – Site requirements for residential use districts

Standard	R-1-10
Minimum Front Yard Setback ³	20 feet
Minimum Side Yard Setback	10 feet
Minimum Alley/Private Access Easement Setback	6 feet
Minimum Rear Yard Setback	25 feet
Maximum Lot Coverage ⁸	40%
Maximum Building Height – Main Building	30 feet

3. Front yard setbacks are required from all street rights-of-way adjoining a lot

8. Lot coverage includes all buildings, including accessory buildings or structures on any lot in a residential district, exclusive of patios without roof coverings or patios with only open lattice or similar type roof construction.

Site Description

The site, 92 Hodges Court, is located south of Newcomer Street, and east of George Washington Way. According to the City’s internal GIS, the site is approximately 11,460 square feet in size, which consists of a one-family detached dwelling unit, an attached carport (footprint is approximately 2,147 sq. ft.), and a detached accessory building (approximately 400 sq. ft.) located in the northeast corner of the property. The parcel is relatively flat and has the shape of a trapezoid. Parcels within the immediate vicinity are similarly sized and contain one-family detached dwellings with some parcels having ancillary structures like carports or attached garages.

Staff Analysis

The applicant provided pictures of the existing home and carport, as well as a site plan, floor plan, and a roof plan for the proposed conversion and addition, and multiple letters signed by surrounding neighbors in support of the project.

The site plan shows the location of the existing carport and the proposed addition. According to the submitted floor plan, only part of the existing carport will be converted into an enclosed garage, with the area behind it becoming an addition to the existing home. The addition would consist of a living room, laundry room, mechanical room, bedroom, bathroom, with a covered patio along the east leading into the backyard. In total, the conversion and addition would be approximately seventy-five (75) and one-half feet in length, and approximately twenty-two (22) to twenty-four (24) feet in width.

According to RMC Chapter 23.66, the addition, as proposed, and after the conversion of the carport into an enclosed garage, would result in the home becoming a nonconforming structure.

Per RMC Chapter 23.66.030(A), “no such nonconforming use shall be enlarged or increased, or extended to occupy a greater area and/or height . . .” and RMC Chapter 23.66.040(A) states:

“No such structure may be enlarged or altered in a way which increases its degree of nonconformity. Alterations, additions or enlargements may be allowed as long as the work done

does not extend further into any required yard or violate any other portion of this title.”

The proposed addition would be considered an “enlargement” of a nonconforming standard as it would extend further into the minimum setback for the side yard. Per RMC 23.18.040, the minimum side yard setback for the R-1-10 zoning district is ten (10) feet and the addition is proposed to be six (6) feet from the side property line.

Public Notice

Application Date:	April 21, 2025
Notice of Application & Hearing Mailed:	May 23, 2025
Notice of Application & Hearing Posted:	May 23, 2025
Public Hearing Date:	June 19, 2025

A combined Notice of Application & Hearing was provided through posting of the property, mailing of notice to property owners within 100 feet of the site, publication in the *Tri-City Herald* and posting on the City’s website.

Agency & Public Comments

To date, staff has not received any comments of concern regarding the proposed project from the public or any agencies. However, some agencies made some recommendations for the proposal should the Board of Adjustment decide to approve the variance request. Agency and public comments can be found in Exhibit 5.

Staff Findings

The following are Staff's findings relative to the requirement for the granting of a variance as set forth in RMC Sections 23.70.110 – Applications and RMC 23.70.140 – Findings.

1. ***That special conditions and circumstances exist which are peculiar to the subject property and not applicable to other lands, structures, or buildings in the same zoning district.***

Applicant Response: We are requesting a variance to convert our existing attached 2-car carport into a 2-car garage with living space behind it while keeping the same 6 ft side yard setback. This would allow for the minimum size needed for a 2-car garage. The current carport roof is leaking and is needing replaced. As a family of 9 we would like a space we can all fit in to gather together. Our home currently has 2 bathrooms and it would be nice to have more privacy and a place for aging parents to move into if needed. Our plot is 9ft more narrow at the street than at the rear yard. Due to narrow plot size, if we build a garage with 10 ft side yard setback (as required by RMC 23.18.040) it would be too narrow for the proposed structure. If we kept the carport/garage at 6ft and shifted the living space to be the required 10 ft, we would have a load bearing wall sticking out 7ft into the middle of the living room. On the roof line two valleys would converge forming a “dead valley” with risk of an ice dam. Building this structure would greatly improve street/curb appeal while maintaining the overall feel of the neighborhood. The minimum side yard setback of 10 ft was created to protect against hazards and building congestion while providing for light, air flow and privacy. Our neighbors have a driveway along this property line

leading to a garage so continuing to have a structure at 6ft from the side yard would continue to protect against hazards and building congestion while providing for light, air flow and privacy as no other buildings are near it.

Staff Analysis: There are no special conditions or circumstances which are peculiar to this property. The lot is relatively flat with no major slopes or critical areas within or near the property. The current lot size meets the minimum lot width for the R-1-10 zoning district, which is seventy (70) feet, as stated in RMC Chapter 23.18.040 and the existing carport meets current setbacks for an unenclosed carport, as defined in RMC Chapter 23.38.040 – Carports.

2. ***That literal interpretation of this title would deprive the applicant of rights commonly enjoyed by other properties in the district.***

Applicant Response: The literal interpretation of the code would require us to demolish the existing structure and build a single car garage which we feel is insufficient for this size of home. The east side of the home has even less space for a structure. In view of this, placing the garage/living space along the west side yard is most appropriate. This layout gives us the best use of the remaining yard space. The literal interpretation of provisions of this title removes the ability to have 2-car covered parking and use the property effectively.

Staff Analysis: The literal interpretation of this title (Title 23) would not deprive the applicant of rights commonly enjoyed by others within the same zoning district and there is sufficient room elsewhere on the property for the homeowner to add onto the existing home without encroaching into the side setback for the R-1-10 zoning district.

3. ***That the special conditions and circumstances do not result from actions of the applicant.***

Applicant Response: The existing structure was built by the previous owner many years before the current owner purchased the property. Also, narrow plot shape is predetermined. Therefore the special conditions were not created by the applicant.

Staff Analysis: According to Benton County records, the existing home was built in 1948 and is part of the original “Plat of Richland.” Since the construction of the existing home, there have been multiple permits issued for the following, including, but not limited to:

- Bathroom remodel (1983).
- Retrofitting ingress/egress windows (2014);
- An addition (2014); and,
- Basement remodel with the addition of two (2) bedrooms, a bath, living room, and laundry room (2014).

Staff could not find records for the existing carport, therefore, it cannot be determined if the current owner constructed the existing carport which created the reduced setback.

4. ***That granting the variance will not confer a special privilege to the applicant that is denied***

others in the same use district.

Applicant Response: Granting the variance would not confer a special privilege as city staff has entertained similar requests to convert existing structures into appropriate uses such as file no: PLN-T2-2024-00004 on Aug 15, 2024. Also, many properties in the neighborhood have existing structures that are closer than 6 ft to the property lines, such as the 5ft setback of the neighbor's garage or a home a couple of blocks away that has a garage / addition that is very similar to what we are requesting to build. (1732 Horn Ave).

Staff Analysis: Granting the variance will confer a special privilege to the applicant as the proposed addition could be built to meet the current side yard setback for the R-1-10 zoning district, which is ten (10) feet.

However, granting the variance would not confer a special privilege to the applicant for converting the carport into a garage, as this is pre-existing and would not change the footprint of the existing house.

Conclusion

Staff supports the modification of the carport into an enclosed garage as the use of the area will not change (vehicle storage). Furthermore, the footprint of the carport will continue to be the same should it be converted into an enclosed garage. Unfortunately, staff does not support the proposed addition to the rear of the home as the site is able to accommodate the proposed addition without the variance request. While it is true that the proposed residential addition may result in substantial changes to the existing home and/or roof structure, that in and of itself is not reason for granting the variance request. Variance requests should be determined based upon special circumstances that prevent compliance with the code, not circumstances that are inconvenient or costly.

Suggested Conclusions of Law

1. The Board of Adjustment has jurisdiction to hold a public hearing and issue a decision for the proposed Zoning Variance.
2. The proposed variance for the proposed addition is inconsistent with the goals and policies of the City's Comprehensive Plan; however, the change from a carport to an enclosed garage is consistent with the goals and policies of the City's Comprehensive Plan.
3. The Board of Adjustment is unable to grant the proposed variance request for the addition as the requested variance is not the minimum necessary to make reasonable use of the property and is inconsistent with the general purpose and intent of the Code. The Board of Adjustment is able to grant the variance request for conversion of the carport into an enclosed garage as the use (vehicle storage) will not change.
4. Literal interpretation of the ordinance would not deny the applicant of rights commonly enjoyed by other properties in the district.

Suggested Finding of Fact

1. The property owner, Daniel and Andrea Rhoten, has applied for a Major Variance, to allow for a reduced side yard setback, within the R-1-10 zoning district, from the stated ten (10) feet down to six (6) feet.
2. The subject property is located at 92 Hodges Court.
3. The subject site is bordered by other residential uses.
4. The subject site is approximately 11,460 square feet in size.
5. The lot is generally shaped as a trapezoid, and the useable land is approximately 9,960 square feet in size, due to a utility easement along the northern portion of the lot.
6. The subject site currently has an existing one-family detached dwelling and shop.
7. Richland Municipal Code Chapter 23.18.040 imposes a ten (10) foot minimum side yard setback for primary structures within the R-1-10 zoning district.
8. Pursuant to RMC 23.70.060 the Board of Adjustment is the authorized review body for Major Variance review proceedings.
9. The site is designated as Low-Density Residential by the City's Comprehensive Plan.
10. The site is not located within the jurisdiction of the City's Shoreline Master Program, nor does it contain any critical areas regulated by RMC 22.10.
11. All public notification requirements have been met.
12. No comments of concern from public agencies were received.
13. One (1) public comment in favor was received during the comment period.
14. Requirements for granting variances are set forth in Richland Municipal Code (RMC) Sections 23.70.110 – Applications and 23.70.140 – Findings.
15. The requested variance is not the minimum necessary to continue reasonable use of the property.
16. Literal interpretation of the ordinance does not deny the applicant rights commonly enjoyed by other properties in the district.

Recommended Motion

Staff recommends that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and **DENY** the variance to RMC 23.18.040, authorizing the conversion of the existing carport into a garage and the addition of a living room, bedroom, and bathroom behind the garage with the proposed six (6) foot setback.

Exhibit List

1. Application Materials
2. Neighbor Letters
3. Vicinity and Related Maps
4. Public Notice & Affidavits
5. Agency and Public Comments

PLAN SNAPSHOT REPORT (PLN-T2-2025-00014)

How does code deprive you rights enjoyed by others

The literal interpretation of the code would require us to demolish the existing structure and build a single car garage which we feel is insufficient for this size of home. The east side of the home has even less space for a structure. In view of this, placing the garage/living space along the west side yard is most appropriate. This layout gives us the best use of the remaining yard space. The literal interpretation of provisions of this title removes the ability to have 2-car covered parking and use the property effectively.

Does this variance create a special privilege.

Granting the variance would not confer a special privilege as city staff has entertained similar requests to convert existing structures into appropriate uses such as file no: PLN-T2-2024-00004 on Aug 15, 2024. Also, many properties in the neighborhood have existing structures that are closer than 6 ft to the property lines, such as the 5ft setback of the neighbors garage or a home a couple of blocks away that has a garage / addition that is very similar to what we are requesting to build. (1732 Horn Ave).

Other considerations.

This request of 6 foot side yard setback is the minimum necessary to make reasonable use of the property. It would maintain great light, airflow and privacy, while not encroaching any closer to the side yard property line. Approving this variance would be consistent with the general purpose and intent of the Code and would improve the overall feel of the surrounding neighborhood while making reasonable use of the property. We have already reviewed this with the neighbors along that property line and they approve (see attached letter). The proposed structure would not encroach on back yard easement and would be in line with front yard and back yard setbacks.

LEGAL DESCRIPTION:

LOT 12, BLOCK 824, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON.

PARCEL NO:

1-3508-402-0824-012

VESTED IN:

DANIEL L. RHOTEN AND ANDREA T. RHOTEN, HUSBAND AND WIFE



CASCADE TITLE COMPANY

OF BENTON - FRANKLIN COUNTIES

8203 W. QUINAULT AVE., SUITE 10 • KENNEWICK, WA 99336
PHONE (509) 783-0660 • TITLE FAX (509) 783-0675 •
ESCROW FAX (509) 783-6612

100' VARIANCE REPORT

Order No.: CBF19602

To: Daniel Rhoten
92 Hodges Ct
Richland, WA 99352
509-460-1767

The ownership of the real property is based upon an examination of all official records of BENTON County, Washington, and the ownership is based upon the last Deed of record.

The liability of the Company under this certificate shall be limited to the amount of actual loss sustained by the addressee due to reliance on any incorrect information in the certificate up to and not to exceed the fee paid.

Record Examined to: April 3, 2025

LEGAL DESCRIPTION:

LOT 12, BLOCK 824, PLAT OF RICHLAND, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUMES 6 AND 7 OF PLATS, RECORDS OF BENTON COUNTY, WASHINGTON.

PARCEL NO:

1-3508-402-0824-012

VESTED IN:

DANIEL L. RHOTEN AND ANDREA T. RHOTEN, HUSBAND AND WIFE

Countersigned: *Melissa Scophi*

NOTE: Please see attached Schedule A-1 for owners and addresses within 100 feet of exterior boundaries of property, as requested.

Variance Report

Parcel #	135084020823004	Site Address #	1924 Howell Ave Richland WA 99354
Owner	Colleran, Janice L 1924 Howell Ave Richland WA 99354	Acres	0.27 Acres
# Rooms	6	SqFt	1,518 SqFt
Bedrooms	4	Bathrooms	2
Assessed Total	\$418,570.00	Year Built	1948
Legal	PLAT OF RICHLAND, BLOCK 823 LOT 4. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.		

Parcel #	135084020823005	Site Address #	85 Hodges Ct Richland WA 99354
Owner	Shipp, Robert S 85 Hodges Ct Richland WA 99354	Acres	0.26 Acres
# Rooms	5	SqFt	1,459 SqFt
Bedrooms	3	Bathrooms	2
Assessed Total	\$438,970.00	Year Built	1948
Legal	PLAT OF RICHLAND, BLOCK 823 LOT 5. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.		

Parcel #	135084020824010	Site Address #	88 Hodges Ct Richland WA 99354
Owner	Ramsey, Marcie Jean 88 Hodges Ct Richland WA 99354	Acres	0.33 Acres
# Rooms	5	SqFt	1,459 SqFt
Bedrooms	1	Bathrooms	2
Assessed Total	\$318,190.00	Year Built	1948
Legal	PLAT OF RICHLAND, BLOCK 824 LOT 10.		

Parcel #	135084020824011	Site Address #	90 Hodges Ct Richland WA 99354
Owner	Hernandez, Elisa B 90 Hodges Ct Richland WA 99354	Acres	0.36 Acres
# Rooms	5	SqFt	1,232 SqFt
Bedrooms	3	Bathrooms	1.5
Assessed Total	\$337,390.00	Year Built	1948
Legal	PLAT OF RICHLAND, BLOCK 824 LOT 11. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.		

Parcel #	135084020824013	Site Address #	94 Hodges Ct Richland WA 99354
-----------------	-----------------	-----------------------	--------------------------------

Owner Crockett, Dean
94 Hodges Ct
Richland WA 99354
Acres 0.33 Acres
Rooms 5
SqFt 1,411 SqFt
Bedrooms 3
Bathrooms 1.5
Assessed Total \$362,390.00
Year Built 1948
Legal PLAT OF RICHLAND, BLOCK 824 LTO 13. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.

Parcel # 135084020824014
Site Address # 81 Newcomer St Richland WA 99354
Owner Jensen, Eric J
2038 Davison Ave
Richland WA 99354
Acres 0.27 Acres
Rooms 5
SqFt 1,459 SqFt
Bedrooms 3
Bathrooms 1.5
Assessed Total \$357,030.00
Year Built 1948
Legal PLAT OF RICHLAND, BLOCK 824 LOT 14.

Parcel # 135084020824015
Site Address # 79 Newcomer St Richland WA 99354
Owner Langdon, Jim
79 Newcomer St
Richland WA 99354
Acres 0.22 Acres
Rooms 5
SqFt 1,411 SqFt
Bedrooms 2
Bathrooms 1.5
Assessed Total \$368,100.00
Year Built 1948
Legal PLAT OF RICHLAND, BLOCK 824 LOT 15. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.

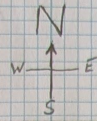
Parcel # 135084020824016
Site Address # 77 Newcomer St Richland WA 99354
Owner Bliss, Mary
77 Newcomer St
Richland WA 99354
Acres 0.24 Acres
Rooms 5
SqFt 1,459 SqFt
Bedrooms 2
Bathrooms 2
Assessed Total \$371,850.00
Year Built 1948
Legal PLAT OF RICHLAND, BLOCK 824 LOT 16. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.

Parcel # 135084020824017
Site Address # 75 Newcomer Ave Richland WA 99354
Owner Sparrow, Andrew
75 Newcomer Street
Richland WA 99354
Acres 0.23 Acres
Rooms 5
SqFt 1,411 SqFt

Bedrooms 3
Assessed \$392,600.00
Total

Bathrooms 2
Year Built 1948

Legal PLAT OF RICHLAND, BLOCK 824 LOT 17. SUBJECT TO EASEMENTS & RESTRICTION OF RECORD.



100'

25' minimum

24'

21'

35'

34'

75'

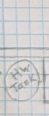
22'

25'

239'

27'

37'



14'

20'

6'

20' 4"

16" Door

11'

25'

6'

22'

6'

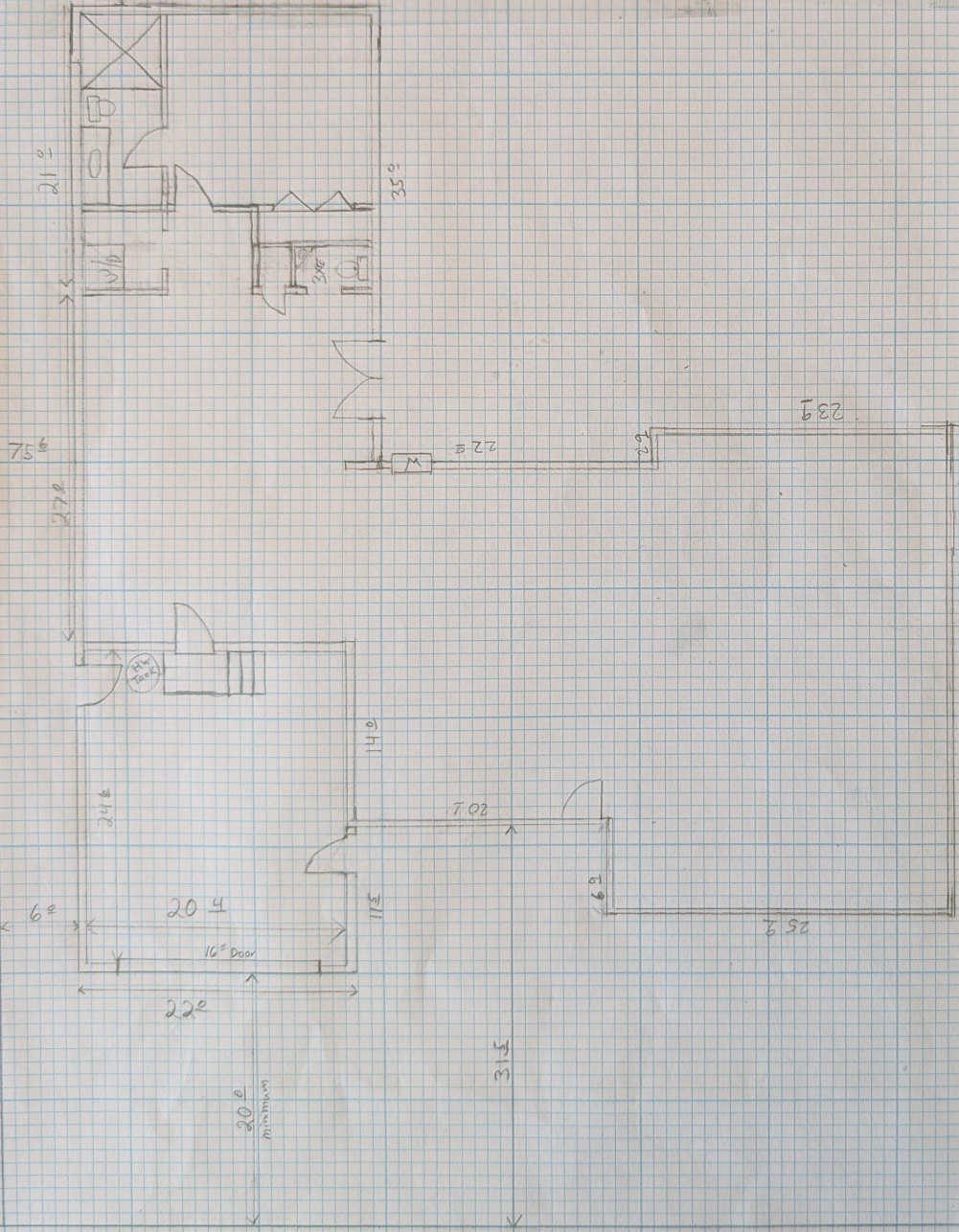
120.22

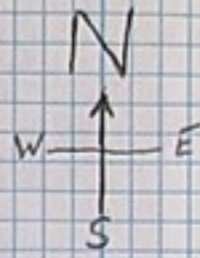
30' minimum

31'

91'

Street





100'

14' Easement

25° minimum
Buried Electric Line

Covered Patio

Sewer

21'
Covered Patio

75'

23'

Electric meter

37'

7'
Covered Patio

20' 4"

16" Door

22'

20' minimum

31'

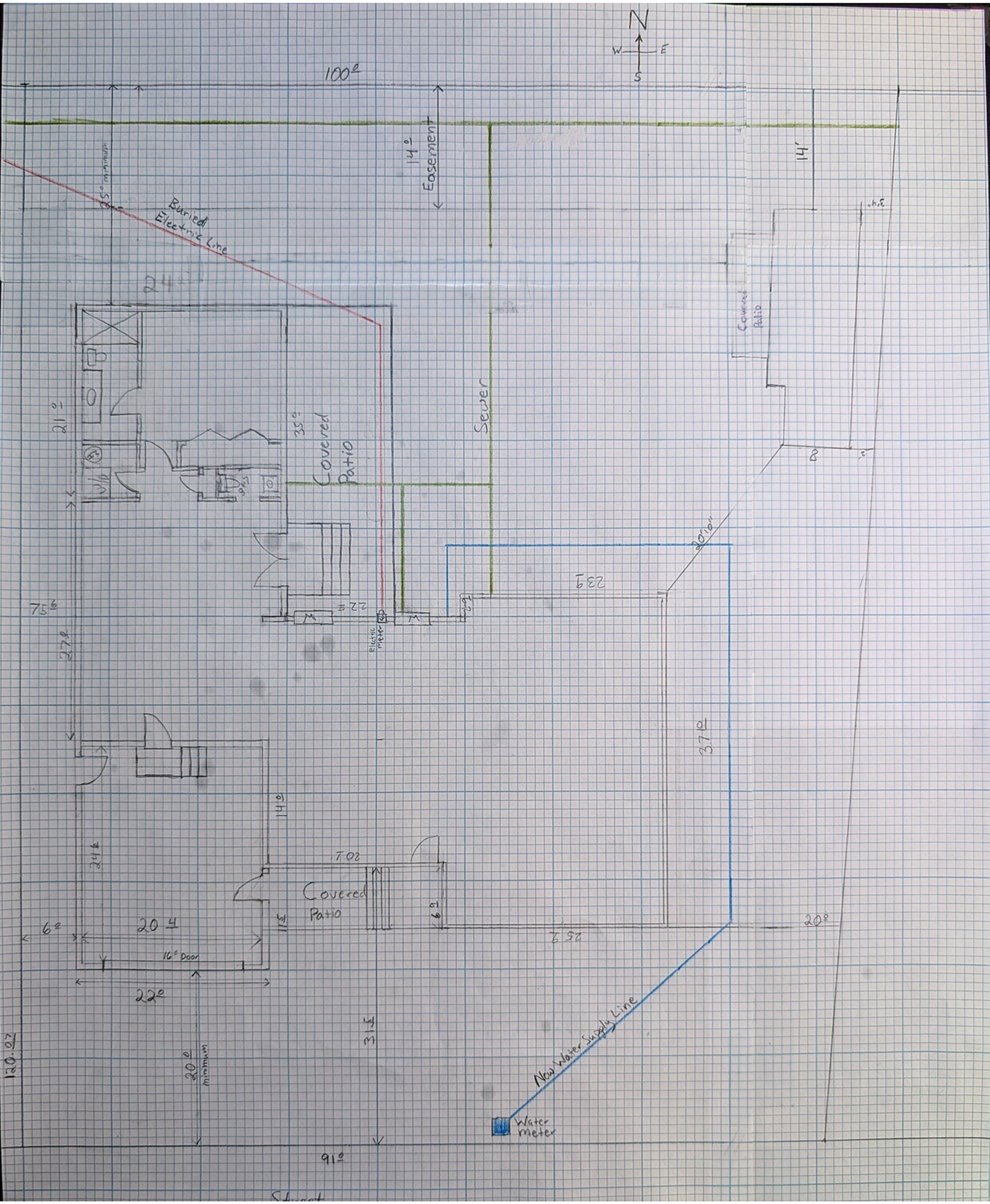
New Water Supply Line

Water meter

91'

Street

120.02





126.00
I-237

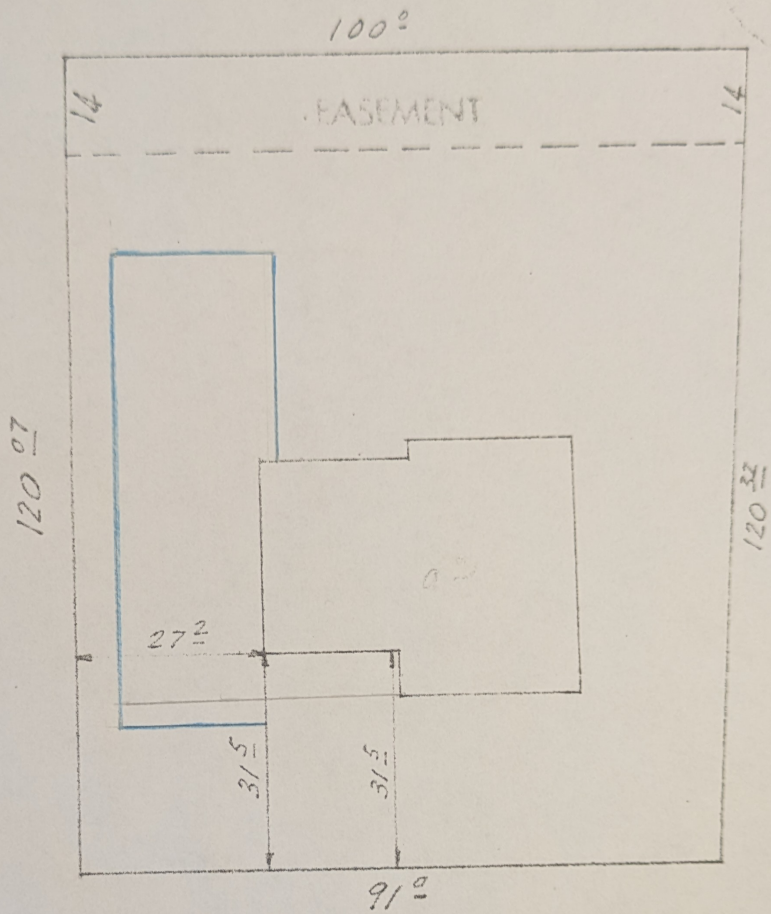
HODGES CT

with SS info copy only
Daniel Rhoten

W

E

S



HODGES CT. (60°)

SCALE: 1" = 25'

LOT 12 BLOCK 824
 PLAT OF RICHLAND
 BENTON COUNTY WASH.

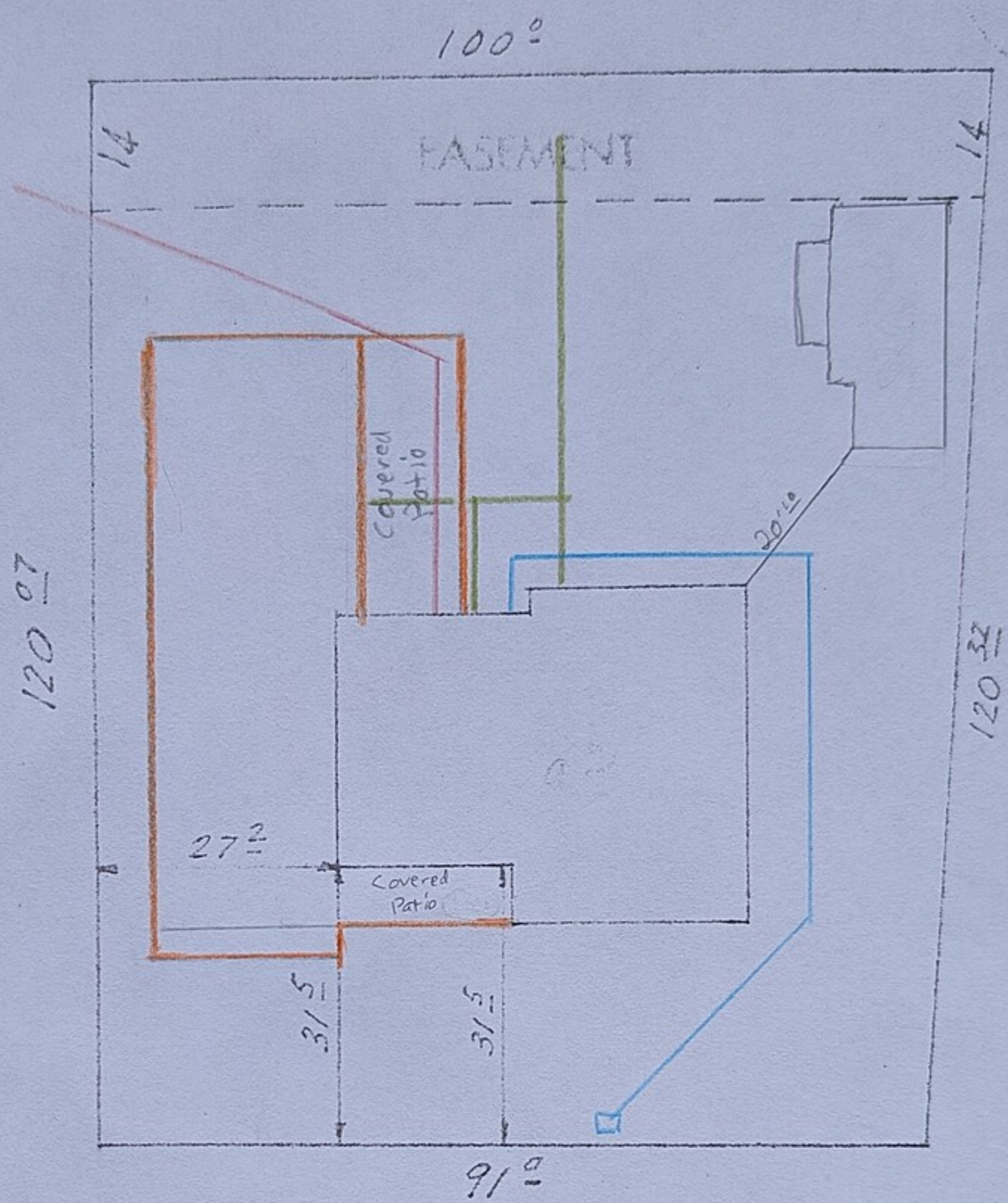


I, the undersigned, have examined the above described property and find the same to be as shown and described on the above plat and thereunto referred to.

 C. E. Worley



Lot Coverage:
 Sq ft all Buildings: 4,066
 Sq ft Land: 11,460
 35% lot coverage



HODGES CT. (60°)

SCALE: 1" = 25'

LOT 12 BLOCK 824
 PLAT OF RICHLAND
 BENTON COUNTY WASH.



I, the undersigned, have examined the above described property and find the map, plan or plat to be correct and true to the original plan and plat.

 C. E. Worley

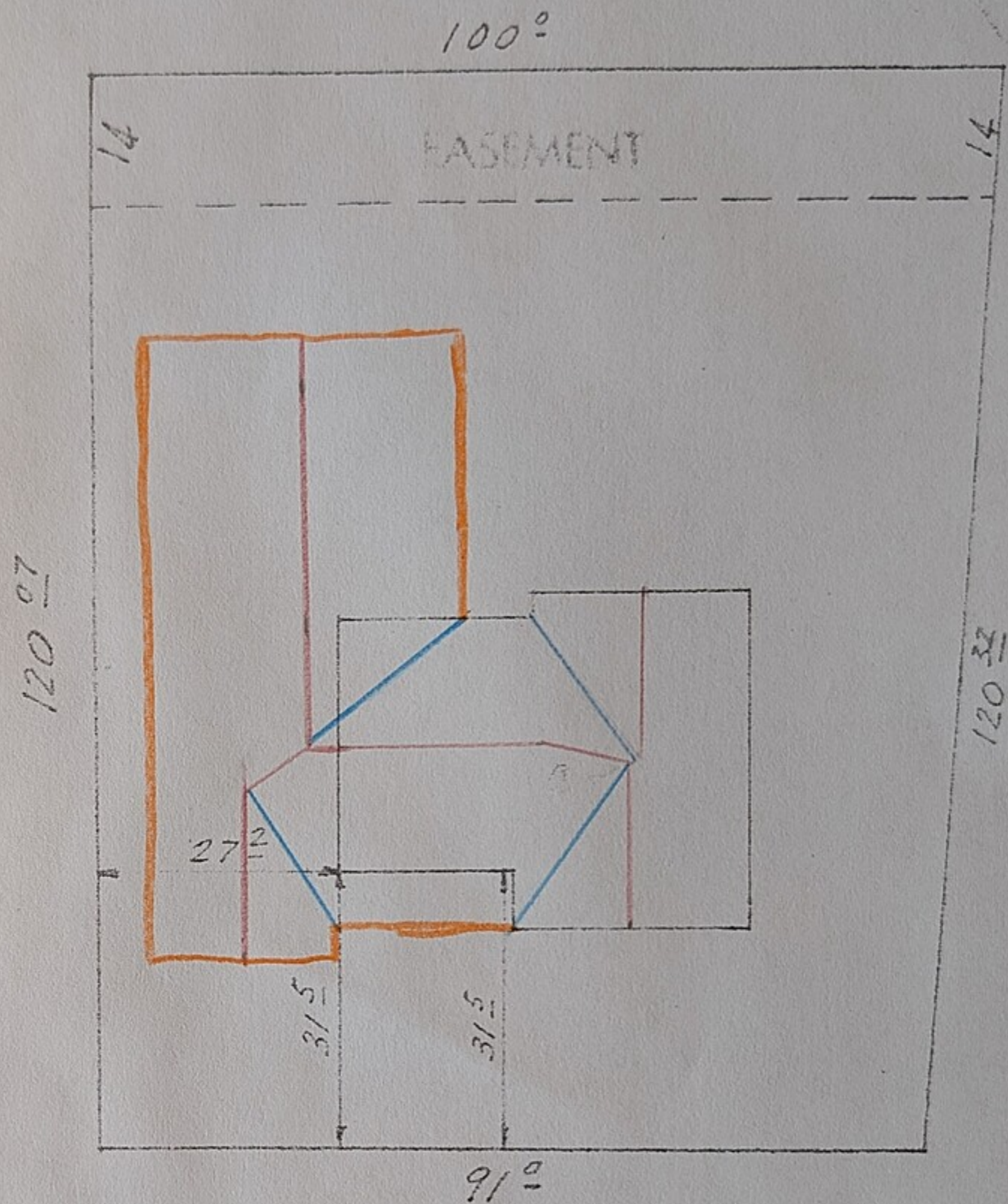
Roof Plan



— Ridge line

— Valley line

— Addition



HODGES CT. (60°)

SCALE : 1" = 25'

LOT 12 BLOCK 824

PLAT OF RICHLAND

WENTON COUNTY WASH.



I have examined the above described property and find the same conforms to the plan hereon and thereunto thereunto.

Charles E. Worley



92

92

AYN5851

BYN88449

EXPRESS



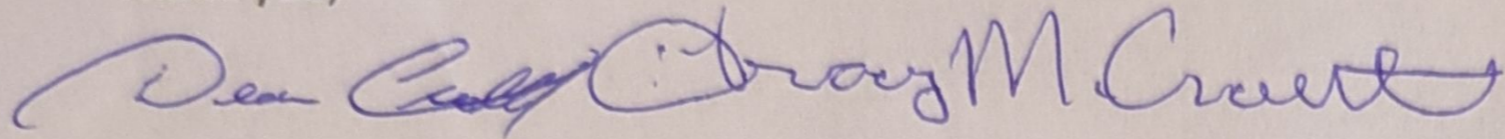


Exhibit 2

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6ft setback from our property line.

Thank you,

A handwritten signature in blue ink, appearing to read "Dean and Tracy Crockett". The signature is written in a cursive style with a large initial "D" and "T".

Dean and Tracy Crockett

94 Hodges Ct

Richland, WA 99354

(509) 551-9248

dean_crockett@hotmail.com

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6 ft setback from the property line.

Thank you,

4/12/2025

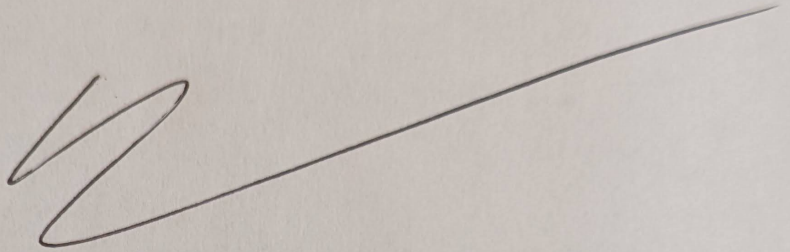
Jim Langdon & Lisa Black
Jim Langdon Lisa Black
79 Newcomer St.

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6 ft setback from the property line.

Thank you,

Kyle Soderquist
90 Hodges

A large, stylized handwritten signature in black ink, consisting of a large loop followed by a long, sweeping horizontal line that extends to the right.

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6 ft setback from the property line.

Thank you,

Leslie E. Donley

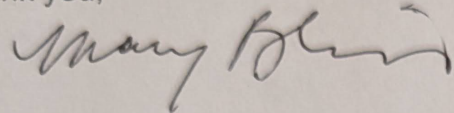
Leslie E. Donley
75 Newcomer St.

425-770-7382

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6 ft setback from the property line.

Thank you,

A handwritten signature in cursive script, appearing to read "Mary Bliss".

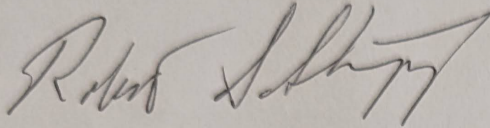
Mary Bliss

77 Newcomer St

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6 ft setback from the property line.

Thank you,

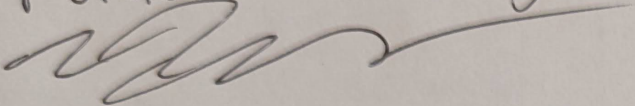
A handwritten signature in black ink, appearing to read "Robert Shipp". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Shipp
85 Hodges ct

Richland City,

We approve of our neighbors Daniel and Andrea Rhoten (92 Hodges Ct) building a garage and house addition with only 6 ft setback from the property line.

Thank you,

Name ^{Ryan}
Marge and Ramsey, 88 Hodges


Vicinity Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014

Exhibit 3



0 40 80 160 Feet

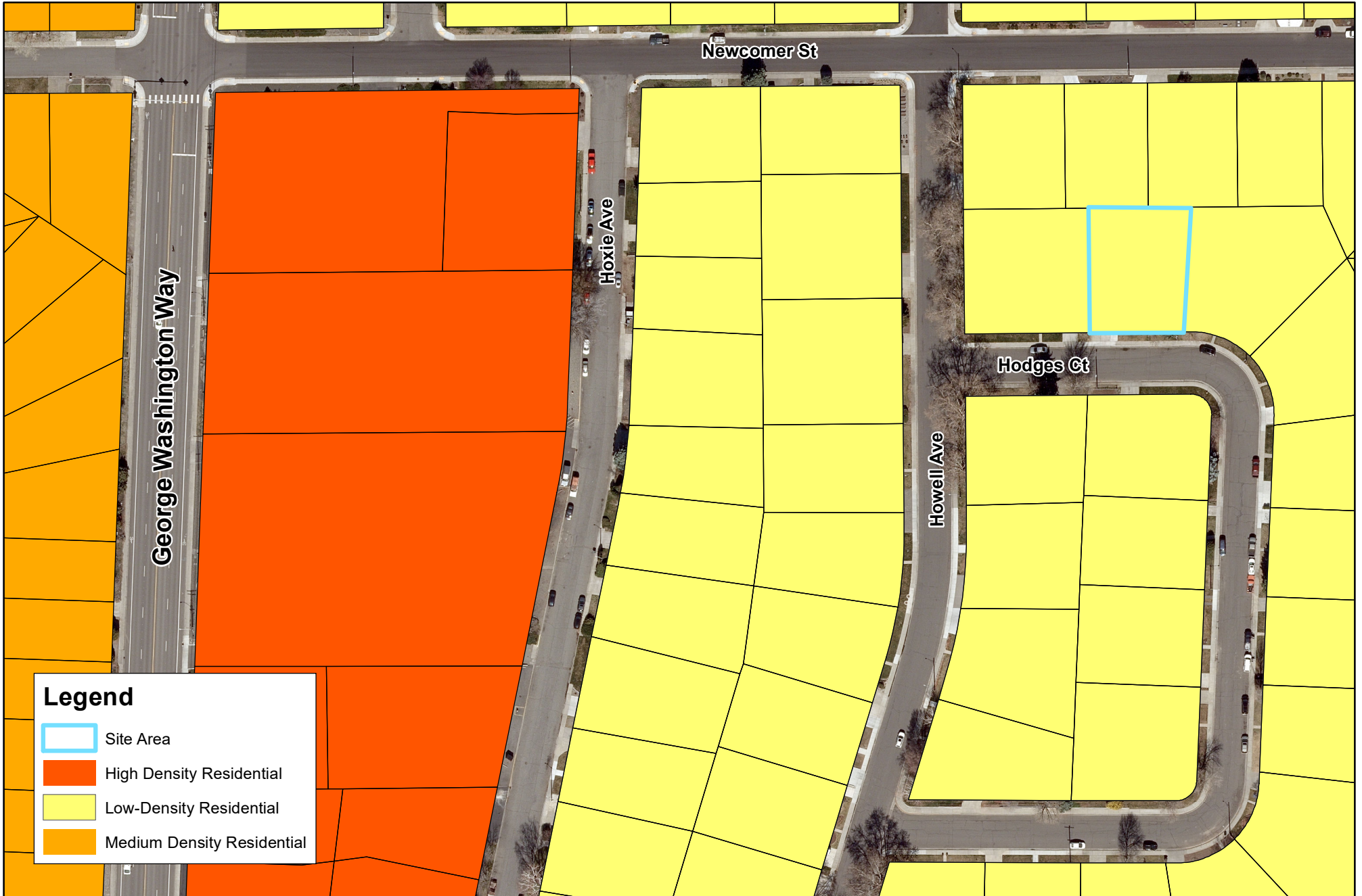
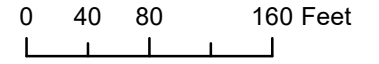


Legend

 Site Area

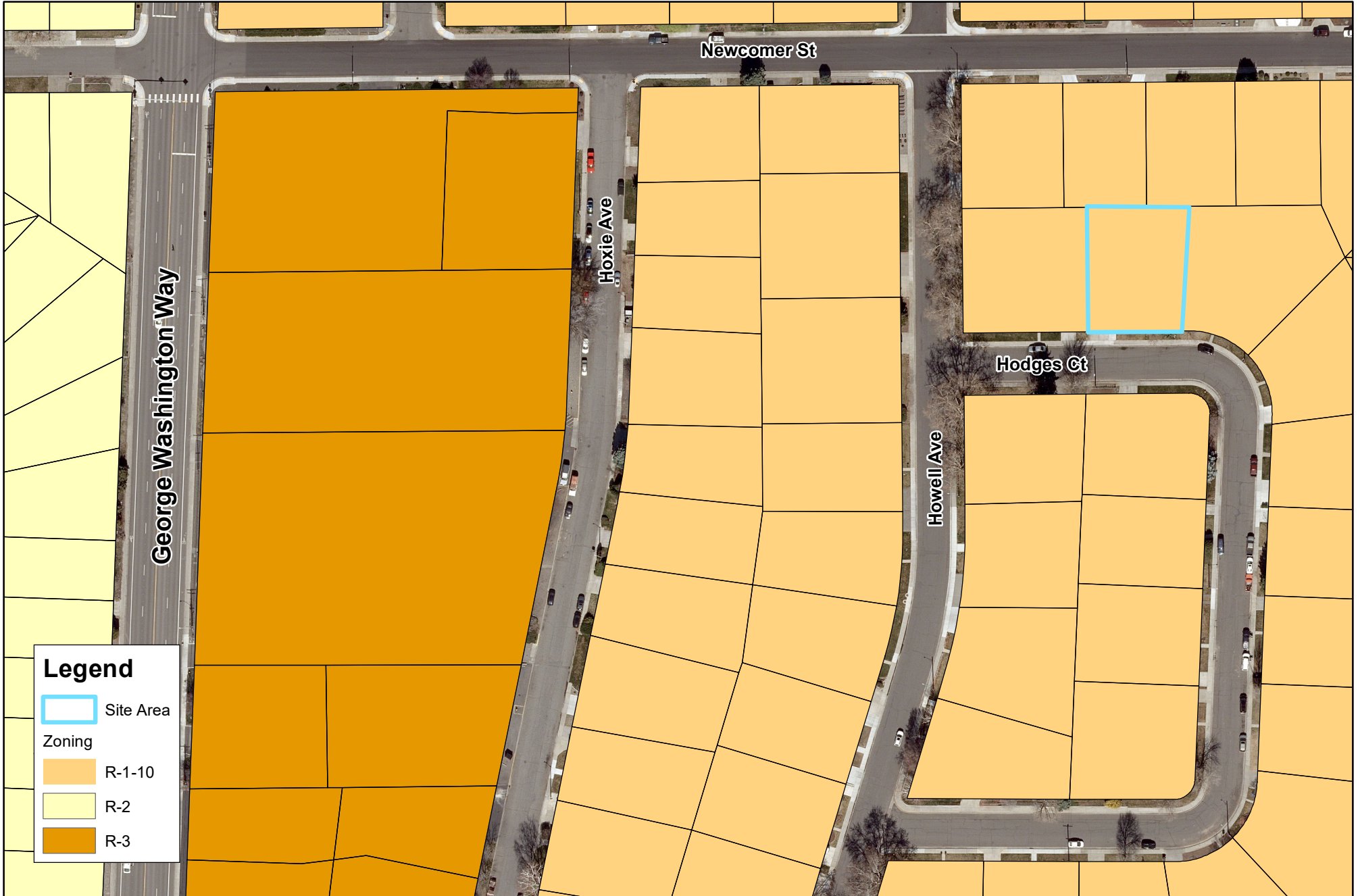
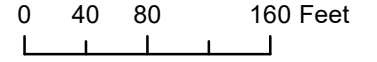
Land Use Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014







Zoning Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014

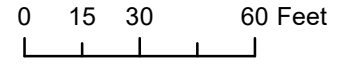


Legend

-  Site Area
- Zoning**
-  R-1-10
-  R-2
-  R-3

Utilities Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014



Easement Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014



0 15 30 60 Feet





Richland

CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (PLN-T2-2025-00014)

Notice is hereby given that Daniel and Andrea Rhoten, have applied for a major variance, to seek a reduced side yard setback from ten (10) feet, as required in RMC 23.18.040 for the R-1-10 zoning district, to six (6) feet, to allow for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage. Additional information can be found on this webpage:

<https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

Project Site: The project site is located at 92 Hodges Court (APN 135084020824012).

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application at 6:00 p.m., Thursday, June 19, 2025 at City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

Environmental Review: The proposal is not subject to environmental review.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Ryan Nelson, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to planning@ci.richland.wa.us.

Comment Period Begins: May 25, 2025
Comment Period Ends: June 19, 2025

Written comments must be received no later than 5:00 p.m. on Wednesday, June 11th, 2025, to be incorporated into the staff report. Comments received after that time will be entered into the record during the hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning and Title 19 Development Regulations Administration. Appeal procedures of decisions related to the above referenced applications are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014



Please publish the following:

Type of Legal Ad:	Notice of Application, Public Hearing
Date(s) of Publication:	Sunday, May 25, 2025
Richland's TCH Account:	AP36823
For Invoice Text Box on TCH Invoice (Richland MUNIS Description)	PLN-T2-2025-00014
For PO Box on TCH Invoice (Richland Account No. - MUNIS)	D2586000 4401
Attention:	Jen Anderson (TC)

**CITY OF RICHLAND
NOTICE OF APPLICATION, PUBLIC HEARING**

Notice: Daniel and Andrea Rhoten, have applied for a major variance to seek a reduced side yard setback from ten (10) feet, as required in RMC 23.18.040, to six (6) feet, to allow for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage. Additional information can be found on this webpage <https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

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Date Published: Sunday, May 25, 2025

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
36823	664869	Print Legal Ad-IPL02350130 - IPL0235013	BOA PHN PLN-T2-2025-0	1	62 L

Attention: Jennifer Anderson
 CITY OF RICHLAND/LEGALS
 625 SWIFT BLVD. MS-05
 RICHLAND, WA 99352

janderson@ci.richland.wa.us

**CITY OF RICHLAND
 NOTICE OF APPLICATION,
 PUBLIC HEARING**

Notice: Daniel and Andrea Rhoten have applied for a major variance to seek a reduced side yard setback from ten (10) feet, as required in RMC 23.18.040, to six (6) feet, to allow for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage. Additional information can be found on the City of Richland's website at <https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

Project Site: The project site is located at 92 Hodges Court (APN 135084020824012).

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application on **Thursday, June 19, 2025 at 6:00 p.m.** at Richland City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

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Appeal: The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning and Title 19 Development Regulations Administration. Appeal procedures of decisions related to the above-referenced applications are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above-referenced address with questions related to the available appeal process.

Date Published: Sunday, May 25, 2025
 IPL0235013
 May 25 2025

COUNTY OF BENTON)
 SS
 STATE OF WASHINGTON)

Mary Castro, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 05/25/2025, and ending on 05/25/2025 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
 05/25/25

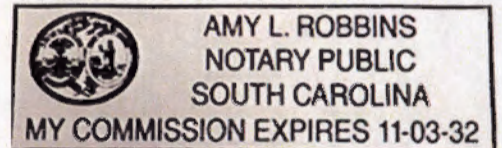
Mary Castro

(Signature of Legals Clerk)

Sworn to and subscribed before me this 27th day of May in the year of 2025

Amy Robbins

Notary Public in and for the state of South Carolina, residing in Beaufort County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!



Richland

CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (PLN-T2-2025-00014)

Notice is hereby given that Daniel and Andrea Rhoten, have applied for a major variance, to seek a reduced side yard setback from ten (10) feet, as required in RMC 23.18.040 for the R-1-10 zoning district, to six (6) feet, to allow for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage. Additional information can be found on this webpage:

<https://www.ci.richland.wa.us/departments/development-services/planning/land-use>.

Project Site: The project site is located at 92 Hodges Court (APN 135084020824012).

Public Hearing: The Richland Board of Adjustment will conduct a public hearing and review of the application at 6:00 p.m., Thursday, June 19, 2025 at City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

Environmental Review: The proposal is not subject to environmental review.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Ryan Nelson, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to planning@ci.richland.wa.us.

Comment Period Begins: May 25, 2025
Comment Period Ends: June 19, 2025

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Appeal: The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning and Title 19 Development Regulations Administration. Appeal procedures of decisions related to the above referenced applications are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: 92 Hodges Ct - Major Variance
Applicant: Daniel and Andrea Rhoten
File #: PLN-T2-2025-00014



Janice Colleran
1924 Howell Ave
Richland, Wa 99354

Elisa Hernandez
90 Hodges Ct
Richland, Wa 99354

Robert Shipp
85 Hodges Ct
Richland, Wa 99354

Hannah Jensen
2038 DAVISON AVE
RICHLAND, WA 99354

Mary Bliss
77 Newcomer St
Richland, Wa 99354

Ryan Ramsey
88 Hodges Ct
Richland, Wa 99354

Andrea Rhoten
92 Hodges Ct
Richland, Wa 99354

Andrew Sparrow
75 Newcomer St
Richland, Wa 99354

Jim Langdon
79 Newcomer St
Richland, Wa 99354

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AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

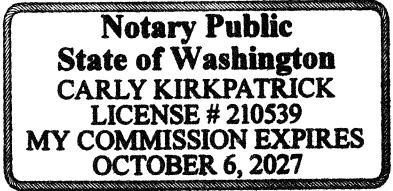
COMES NOW, **Ryan Nelson**, who, being first duly sworn upon oath deposes and says:

- 1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
- 2. On the 27th day of May 2025, I posted the attached NOTICE OF PUBLIC HEARING, File Number PLN-T2-2025-00014 (Major Variance) in the following locations:

Adjacent to the driveway of 92 Hodges Ct.

Ryan Nelson
Signed: Ryan Nelson

SIGNED AND SWORN to before me this 27th day of May, 2025, by Ryan Nelson.



Carly Kirkpatrick
Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,
Residing in Benton County

My appointment expires: Oct. 6, 2027

Exhibit 5

From: [Castle,Angela C \(CONTR\) - TERR-PASCO](#)
To: [Planning](#)
Cc: [Rodgers,Deborah \(CONTR\) - TERR-TRI CITIES RMHQ](#); [Cummings,Nicole M \(BPA\) - TERR-TRI CITIES RMHQ](#)
Subject: RE: Major Variance Request for 92 Hodges Ct
Date: Thursday, May 29, 2025 8:50:43 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Ryan,

Bonneville Power Administration's (BPA) has had the opportunity to review an application for the Major Variance located at 92 Hodges Ct, Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities over 3500 feet west of the subject properties. BPA does not have any objections to the approval of this request at this time.

If you have any questions or need additional information, please feel free to contact Nicole Cummings, at 509-542-5499, by email at NMCummings@bpa.gov.

Thank you for the opportunity to review this application.

Angela Castle

[BONNEVILLE POWER ADMINISTRATION](#)

[DEPARTMENT OF ENERGY](#)

(CONTR) Actalent

Realty Technician II | TERR | East
accastle@bpa.gov | 509-544-4747

From: Planning <planning@ci.richland.wa.us>
Sent: Wednesday, May 28, 2025 12:55 PM
To: ian_gray@yakama.com <ian_gray@yakama.com>; [Castle,Angela C \(CONTR\) - TERR-PASCO](mailto:Castle,Angela C (CONTR) - TERR-PASCO) <ACCastle@bpa.gov>; Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Craig Hamilton <c.hamilton@bces.wa.gov>; [Rodgers,Deborah \(CONTR\) - TERR-TRI CITIES RMHQ](mailto:Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ) <dxroddgers@bpa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Davis, Deanna <d.davis@bces.wa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Homero.Gonzalez@ziply.com; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; [Kinch,James L \(BPA\) - TERR-BELL-1](mailto:Kinch,James L (BPA) - TERR-BELL-1) <JLKinch@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <Katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; Kramer, Steve <skramer@ci.richland.wa.us>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>;

Cummings, Nicole M (BPA) - TERR-TRI CITIES RMHQ <NMCummings@bpa.gov>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Planning.Department@co.benton.wa.us; PublicWorks@co.benton.wa.us; ReathaFord, Jason <JReathaFord@CI.RICHLAND.WA.US>; rgoede@noanet.net; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Schluter, Shaun <sschluter@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Zanin, Heather <hzanin@ci.richland.wa.us>
Subject: Major Variance Request for 92 Hodges Ct

Good Afternoon,

Daniel and Andrea Rhoten have submitted an application to the City of Richland for a Major Variance to seek a reduced side yard setback from ten (10) feet, as required in RMC Chapter 23.18.040, to six (6) feet for the conversion of an existing carport into a garage and add a living room, bedroom, and bathroom behind the garage. The project site is located at 92 Hodges Ct, Richland, WA. The zoning for the site is R-1-10, low density residential. Please review the attached materials relative to your agency's regulations and submit any comments no later than 5:00 PM June 11, 2025. Comments may be submitted via e-mail to planning@ci.richland.wa.us or mailed to: Richland Development Services Department, 625 Swift Boulevard, MS #35, Richland, WA 99352.

Thank you,



Ryan Nelson
Planner

625 Swift Blvd., MS-35 | Richland, WA 99352
509.942.7587

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From: [Hill, Kelly](#)
To: [Planning](#)
Subject: RE: Major Variance Request for 92 Hodges Ct
Date: Wednesday, May 28, 2025 3:30:30 PM
Attachments: [image001.png](#)

Ryan,

If their request is granted, when they convert their service from OH to UG as they show in their hand sketches, they will need to make sure it is not relocated under the covered patio, and the meter will need to be relocated so it is also not under the covered patio.

Thanks



Kelly Hill, PE
Chief Electrical Engineer
625 Swift Blvd., MS-23 | Richland, WA 99352
(509) 942-7416

From: Planning <planning@ci.richland.wa.us>
Sent: Wednesday, May 28, 2025 12:55 PM
To: ian_gray@yakama.com <ian_gray@yakama.com>; accastle@bpa.gov <accastle@bpa.gov>; Acevedo, Mizaal <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Craig Hamilton <c.hamilton@bces.wa.gov>; D. Rodgers <dxrodgers@bpa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Davis, Deanna <d.davis@bces.wa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Homero.Gonzalez@ziply.com; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcsbane@kid.org>; JLKinch@bpa.gov; Junior Campos <junior.campos@charter.com>; Katherine Cichy <Katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; Kramer, Steve <skramer@ci.richland.wa.us>; M. Deklyne <mjdekyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; NMCummings@bpa.gov; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Planning.Department@co.benton.wa.us; PublicWorks@co.benton.wa.us; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; rgoede@noanet.net; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Schluter, Shaun <sschluter@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Zanin, Heather <hzanin@ci.richland.wa.us>
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Thank you,



Ryan Nelson

Planner

625 Swift Blvd., MS-35 | Richland, WA 99352

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From: [Chris Sittman](#)
To: [Planning](#)
Cc: [Wendy Durado](#)
Subject: RE: Major Variance Request for 92 Hodges Ct
Date: Tuesday, June 3, 2025 11:17:57 AM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

KID has no comments.

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Planning <planning@ci.richland.wa.us>
Sent: Wednesday, May 28, 2025 12:55 PM
To: ian_gray@yakama.com <ian_gray@yakama.com>; accastle@bpa.gov <accastle@bpa.gov>; Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Craig Hamilton <c.hamilton@bces.wa.gov>; D. Rodgers <dxrodgers@bpa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Davis, Deanna <d.davis@bces.wa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Homero.Gonzalez@ziply.com; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <JMcShane@kid.org>; JLKinch@bpa.gov; Junior Campos <junior.campos@charter.com>; Katherine Cichy <Katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; Kramer, Steve <skramer@ci.richland.wa.us>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; NMCummings@bpa.gov; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Planning.Department@co.benton.wa.us; PublicWorks@co.benton.wa.us; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; rgoede@noanet.net; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Schluter, Shaun <sschluter@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Zanin, Heather <hzanin@ci.richland.wa.us>

Subject: Major Variance Request for 92 Hodges Ct

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Thank you,



Ryan Nelson

Planner

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From: jimlangdon4@gmail.com
To: [Planning](#)
Subject: Comments on 92 Hodges Court major variance
Date: Friday, May 30, 2025 9:28:56 AM

[You don't often get email from jimlangdon4@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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PLN-T2-2025-00014 92 Hodges Ct Major Variance

Backyard neighbors Jim Langdon and Lisa Black of 79 Newcomer Street are in favor in granting this variance.