

**EXHIBIT LIST FOR CUP 2019-002**

Sato Auto repair

|   |          |   | <b>DATE</b>    |
|---|----------|---|----------------|
| <b>Hearing Examiner Application Exhibit List</b>                        |          |   |                |
| <b>HER 1</b>  | HER 1.1  | Application and supporting documents                | March 22, 2019 |
| Includes:   | HER 1.2  |   |                |
|   | HER 1.3  |   |                |
|   | HER 1.4  |   |                |
| <b>Hearings Examiner Staff Memo Exhibit List - February 11, 2019</b>    |          |   |                |
| <b>HEM 1</b>  | HEM 1.1  | Staff Memo  | April 9, 2019  |
| Includes:   | HEM 1.2  | Comments from Columbia Irrigation District          | March 26, 2019 |
|   | HEM 1.3  | Comments from Benton County Fire Marshal            | March 29, 2019 |
|   | HEM 1.4  | Comments from Benton Franklin Health District       | April 3, 2019  |
|   | HEM 1.5  | Comments from Benton County Public Works Department | April 3, 2019  |
|   | HEM 1.6  | Notice of Open Record Hearing                       | April 1, 2019  |
|   | HEM 1.7  | Comment from Stewart McMahand (214606 E Pidcock Rd) | April 10, 2019 |
|   | HEM 1.8  | Comment from Pamela McCullough 214212 E Pidcock     | April 11, 2019 |
|   | HEM 1.9  | Comment from Randy Russel 214505 E Pidcock          | April 15, 2019 |
| <b>Hearings Examiner Staff Hearing Exhibit List - February 11, 2019</b> |          |   |                |
| <b>HEH 1</b>  | HEH 1.1  | Comment from Sheila Thackham with photos (4 pages)  | April 15, 2019 |
|   | HEH 1.2  | Photos of Sato parcel (7 pages)                     | May 15, 2019   |
|   |          |   |                |
| <b>Hearings Examiner Staff Continued Hearing Memo Exhibit List</b>      |          |   |                |
| <b>HECH</b>   | HECH 1.1 | Updated staff memo                                  | July 3, 2019   |
|   | HECH 1.2 | Benton County Code Enforcement report               | June 27, 2019  |
|   | HECH 1.3 |   |                |
|   | HECH 1.4 |   |                |

**HEM = Hearings Examiner Memo Exhibits**

**HEH = Exhibits submitted during Hearing**

**HECH = Exhibits submitted during a continued hearing**

**Planning Department**  
P.O. Box 910  
1002 Dudley Avenue  
Prosser, WA 99350



Phone (509) 786-5612  
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**MEMO DATE:** July 3, 2019

**HEARING DATE:** JULY 15, 2019

**TO:** BENTON COUNTY HEARINGS EXAMINER

**FROM:** BENTON COUNTY PLANNING DEPARTMENT

**RE:** CONDITIONAL USE PERMIT CUP 2019-002

**PROPERTY OWNER:** JUAN TELLEZ  
214210 E. PIDCOCK RD.  
KENNEWICK, WA 99337

**APPLICANT:** JOSE TELLES SATO  
Address same as above

**SPECIFIC REQUEST:**

The applicant is applying for a Conditional Use Permit for a Business Activity to run an auto repair shop on Benton County Parcel # 1-2280-201-2134-002.

**BACKGROUND:**

A hearing was held on April 15, 2019 on this matter. The Hearings Examiner, with the recommendation of the Planning Department, continued the hearing and left the record open until May 20, 2019 to allow any additional comments from neighbors and to allow the applicant to remove the cars and disabled vehicles on his property.

On May 15, 2019 Code Compliance Official Clark Posey and Code Enforcement Officer Dale Wilson visited the site and took photos of the condition of the lot. Those were entered into the record on May 20, 2019 as HEH 1.2.

On May 20, 2019 a hearing was held and the application was again continued with the record remaining open until the next hearing is held on July 15, 2019.

Code Compliance Official Clark Posey and Code Enforcement Officer Dale Wilson visited the site again on approximately June 19, 2019 and saw that there had been little or no change in the condition of the property. Assistant Planning Manager, Greg Wendt, spoke to Mr. Sato and told him he would give him another week to make progress on the property.

On June 26, 2019, Officer Wilson again visited the site to determine what work had been completed. His report for that visit is attached as HECH 1.2.

**RECOMMENDATION:**

Based on the application and information received, the planning staff recommends denial of Mr. Sato's application. If he wishes to re-apply in the future, he would need to provide the Planning Department with proof that he is in compliance with the Benton County Code and has cleared up all cases with the Benton County Code Enforcement office in addition to a new application and application fee.

## Code Enforcement

P.O. Box 910  
1002 Dudley Avenue  
Prosser, WA 99350



# HECH 1.2

Continued Hearing Exhibit 1.2

Code Enforcement Officer: D. Wilson

Phone (509) 222-2301

Fax (509) 786-5629

June 27, 2019

Attn: Benton County Planning Department

**Re: CUP 2019-002**  
**Addr: 214210 E. Pidcock Rd., Kennewick, WA 99337**  
**Tax Parcel: 1-2280-201-2134-002**

On June 26, 2019 I conducted a follow up inspection of the property regarding the storing, collecting, dismantling and/or salvaging of inoperable vehicles on the property.

The driveway to the property runs northbound off E. Pidcock Rd. and is shared by two other residences (214204 E. Pidcock Rd. and 214212 E. Pidcock Rd.). The following multiple vehicles and trailers parked along the east side of the driveway along the property line of 214210 E. Pidcock Rd.:

1. Bluish 2003 Honda Odyssey Van AGC1657/WA. The license tabs on this vehicle are current (12/2019) and the vehicle appears to be operational. The vehicle is registered to Alvarez, Ma Teresa Cervantes 214210 E. Pidcock Rd., Kennewick, WA 99337.
2. Gray 2006 Toyota Scion 4dr ASR4331/WA. The license plate tabs are current (10/2019) and the vehicle appears to be operational. The vehicle is registered to Alvarez, Ma Teresa Cervantes 214210 E. Pidcock Rd., Kennewick, WA 99337.
3. White 2007 Volkswagen GTI BMC8591/WA. The license plate tabs on this vehicle are current (9/2019) and the vehicle appears operational. The vehicle is registered to Alvarez, Ma Teresa Cervantes 214210 E. Pidcock Rd., Kennewick, WA 99337
4. Silver 2015 Toyota Prius HB BKA8890/WA. The license plate tabs on this vehicle are current (6/2020) and the vehicle appears operational. The vehicle is registered to Tellez, Juan 214210 E. Pidcock Rd., Kennewick, WA 99337.
5. White 1994 Chevrolet Pickup Truck C04002H/WA. The license plate tabs on this vehicle are current (1/2020) and the vehicle appears operational. The vehicle is registered to Soto, Jose Telles 214210 E. Pidcock Rd., Kennewick, WA 99337.
6. Black 1992 Lincoln Mark VII 180UEA/WA. The license plate tabs on this vehicle are expired as of 9/2011 making this vehicle inoperable on Washington State public roadways. This vehicle is registered to Mendoza, Francisco J. 100 N Irving Place Apt. K103, Kennewick, WA 99336
7. Tan 1985 Porsche 944 ALT9615/WA. The license plate tabs on this vehicle are expired as of 4/2019. The vehicle is registered to Soto, Jose Telles 214210 E. Pidcock Rd., Kennewick, WA 99337.
8. Parked in front of the Porsche 944 is a full size white Chevrolet Van that does not have a license plate affixed to the rear bumper of the vehicle making this vehicle inoperable on Washington State public roadways.
9. To the north of the unlicensed white van is a white double axel enclosed trailer that either has flat tires on one side or the tires have sunk into the dirt. The trailer was backed in along the fence, so I could not see if this trailer is currently licensed or not.
10. White Volkswagen GTI that is not licensed and has either flat tires on the driver's side of the vehicle or the tires have sunk into the ground. The vehicle is also missing the front passenger tire which is leaning up against the passenger door of the vehicle. This vehicle is inoperable on Washington State public roadways.
11. In a second fenced area on the north side of the property is a tan 5<sup>th</sup> wheel travel trailer that is missing a large window next to the entry/exit door which exposes the inside of the RV to the elements of the weather. There are also tall vegetation growing up and around the RV indicating that this RV has been parked at the same spot for an extended amount of time.
12. There is a second RV that is white with green stripes parked along the cyclone fence on the north side of the property that is missing the entry/exit door which exposes the inside of the RV to the elements of the weather.
13. Next to the white with green striped RV is a white pickup truck that appears to have significant damage as I could see part of the cab of the truck which appears to be damaged and bend in on one side. The passenger rear fender is damaged and appears to be missing the passenger side brake and taillights. The tailgate is damaged and is partially hanging from the bed of the truck. This vehicle is inoperable on Washington State public roadways.

14. Next to the white damaged pickup truck is a large box truck. I could not see if this truck was currently licensed. It appears to have all its working parts making it operable.

Up against the large box truck is a business sign that reads "Pepe's Auto Repair 509-545-3886 (and the services they offer)".

Current conditions of the property violate the following Benton County Codes:

Inoperable vehicles are defined as follows:

**Benton County Code 11.03.010 (183) Vehicle, Inoperable-** *means any motor vehicle, recreational vehicle, boat, trailer or semitrailer which lacks a current registration or component part which renders the vehicle unfit for legal use upon the public right-of-way.*

Maintaining more than 200 sq. feet of inoperable vehicles is defined as a wrecking yard in accordance with the following code:

**Benton County Code 11.03.010 (192) Wrecking Yard-** *means a lot, parcel of land or structure, or part thereof, larger than 200 square feet, used for the collecting, dismantling, storage, salvaging, or sale of machinery or vehicles not in operable condition or parts thereof; provided that this definition shall not be deemed to include lots used for the outdoor display and sale of used vehicles in operable condition; nor shall it include that part of a farm used for the storage of agricultural machinery kept for salvage by the owner for his own use, and not for sale, on farms having an area of not less than forty (40) acres.*

The property is zoned in the Rural Lands Five Acre District (RL-5), which maintaining wrecking yards are not an allowable use in accordance with Benton County Codes 11.11.030, 11.11.040, 11.11.050 and 11.11.060 and therefore are prohibited in accordance with the following code:

**Benton County Code 11.11.070 Uses Prohibited-** *Any use not authorized or approved pursuant to BCC 11.11.030, BCC 11.11.040, BCC 11.11.050 or BCC 11.11.060 is prohibited within the Rural Lands Five Acre District (RL-5). [Ord. 611 (2018) § 45]*


Also, the overgrowth of vegetation along the north side of the property that are growing up and around the vehicles and adjacent property lines violates the following 2015 International Fire Code which is adopted by Benton County Code 3.16.010:

**2015 International Fire Code Section 304 Combustible Waste Material-304.1.2 Vegetation-** *Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Wildland-Urban Interface Code.*

This overgrowth of vegetation increases the fire risk for the property owner, adjacent property owners and emergency responders if it were to ignite.

The applicant is in violation of the described Benton County Codes and adopted 2015 International Fire Code, therefore Benton County Code Enforcement's recommendation would be to deny the application for Conditional Use Permit 2019-002 for an auto repair business to prevent the conditions from worsening.



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

cc: CUP File



214210 E. Pidcock Rd June 26, 2019



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214210 E. Pidcock Rd June 26, 2019



214210 E. Pidcock Rd June 26, 2019



214210 E. Pidcock Rd June 26, 2019

# Joe's AUTO

500 1-3886

- BRAKES
- TUNE-UPS
- SUSPENSIONS
- CLUTCH
- ELECTRIC SERVICES
- COMPUTER DIAGNOSIS
- A/C REPAIR

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| Filter | Plate   | Vehicle           | Primary owner name          | Primary address                                | Expires     |
|--------|---------|-------------------|-----------------------------|--|-------------|
| VIN    | AGC1657 | 2003 HOND ODYSSEY | MA TERESA CERVANTES ALVAREZ | 214210 E PIDCOCK RD<br>KENNEWICK WA 99337-7178 | 30-Dec-2019 |

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| Filter            | Plate   | Vehicle         | Primary owner name          | Primary address                                | Expires     |
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| JTLKT334764045362 | ASR4331 | 2006 TOYT SCION | MA TERESA CERVANTES ALVAREZ | 214210 E PIDCOCK RD<br>KENNEWICK WA 99337-7178 | 31-Oct-2019 |

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|--------|---------------------------|-------------------|-----------------------------|--|-------------|
|        | WWWEV71K67W133685 BMC8591 | 2007 VOLK NEW GTI | MA TERESA CERVANTES ALVAREZ | 214210 E PIDCOCK RD<br>KENNEWICK WA 99337-7178 | 10-Sep-2019 |

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| WIN    | BKA8890 | 2015 TOYT PRIUS HB | JUAN TELLEZ        | 214210 E PIDCOCK RD<br>KENNEWICK WA 99337-7178 | 16-Jun-2020 |

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| 1GCGK29F1RE227676 | C04002H | 1994 CHEV K2PU CB | JOSE TELLES SOTO   | 214210 E PIDCOCK RD<br>KENNEWICK WA 99337-7178 | 04-Jan-2020 |

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|--------|--------|--------------------|----------------------|---|-------------|
| VIN    | 180UEA | 1992 LINC MARK VII | MENDOZA, FRANCISCO J | 100 N IRVING PL APT K103<br>KENNEWICK WA 99336-4961 | 13-Sep-2011 |

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|--------|--------------------|---------|--------------------|-------------------|--|-------------|
| VIN    | WP0AAA0946FN456300 | ALT9615 | 1985 POR5 944      | TELLES SOTO, JOSE | 214210 E PIDCOCK RD<br>KENNEWICK WA 99337-7178 | 19-Apr-2019 |

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