



STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Clark: Variance

**HEM 1.1**

**FILE NO:** VAR 2020-001  
**HEARING DATE:** November 16, 2020  
**APPLICANT:** Donald Clark, 180002 Robertson Rd., Grandview, WA 98930  
**OWNERS:** Donald & Andrea Clark, 180002 Robertson Rd., Grandview, WA 98930  
**LOCATION:** General Location: North of Robertson Rd., east of N. County Line Rd.  
Plat: Mt. View Tracts, Lot 4  
Parcel Number: 118942020000004  
**PROPERTY SIZE:** 0.83 acre  
**AREA TO BE USED:** If approved, shop would encroach within typical (20') required setback 10' for the 40' depth of proposed shop.  
**LAND USE:** Single family dwelling, with accessory buildings  
**COMPREHENSIVE PLAN:** Growth Management Act Agricultural (GMA AG)  
**ZONING:** Growth Management Act Agricultural District (GMAAD)

**RECOMMENDATION:**

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

**APPLICATION DESCRIPTION:**

The variance request, under BCC 11.50.030, is a request to deviate from the property development setback standard in BCC 11.09.090. This variance request is for relief from the side yard setback requirements for the siting of a new shop building.

To place the new shop, the applicant is applying for a variance to BCC 11.17.120 (b) Setback Requirements which requires a 20' side yard setback in the Growth Management Act Agricultural District. The applicant is requesting to encroach the new shop into the setback as follows:

Ten (10) feet into the twenty (20) foot setback along the west property line, leaving a ten (10) foot setback from the west property line.

The placement of a new shop will consist of foundation and structure, 36' x 40' in size, set to the rear of existing structures on the property. The variance from the setback on the west property line allows the applicant to utilize an existing driveway on the west side of home.

**PUBLIC NOTICE:**

1. The application for VAR 2020-001 was submitted to the Benton County Planning Department on October 5, 2020.
2. The application was declared complete for processing on October 7, 2020.
3. The application documents were distributed to reviewing agencies October 8, 2020.
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2020-001 was published on November 4, 2020 in the Prosser Record Bulletin.
5. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on November 4, 2020.
6. The Open Record Hearing is scheduled for November 16, 2020.

**APPLICABLE STANDARDS/ORDINANCES:**

**1. Benton County Code, Chapter 11.17, Growth Management Act Agricultural District.**

**11.17.010 PURPOSE.** The purpose of the Growth Management Act Agricultural District (GMAAD) is to meet the minimum requirements of the State Growth Management Act (Chapter 36.70A RCW) that mandates the designation and protection of agricultural lands of long term commercial significance. The chapter protects the GMA Agricultural District (GMAAD) and the activities thereon by limiting non-agricultural uses in the district to those compatible with agriculture and by establishing minimum lot sizes in areas where soils, water, and climate are suitable for agricultural purposes. This chapter is intended to work in conjunction with Chapter 14.05 BCC entitled "Right to Farm" which protects normal agricultural activities from nuisance complaints.

**11.17.050 ACCESSORY USES.** Provided all applicable code provisions are satisfied, the following uses are allowed within the GMA Agricultural District on a single parcel of record:

- (a) One (1) or more accessory building and uses commonly appurtenant to a single family dwelling.

**11.17.120 SETBACK REQUIREMENTS.** All lands, structures, and uses in the GMA Agricultural District shall conform to the following minimum setback requirements; unless otherwise excepted as provided in BCC 11.17.130:

- (b) Each structure on a lot shall have a setback of twenty (20) feet from its rear and side lot lines(s).

**2. Benton County Code, Chapter 11.50.030, Variances.**

(a) Variance—General Standards. The variance application process allows the Hearings Examiner in specific cases, as provided in RCW 36.70.970, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purposes and intent of this title and is in accordance with the requirements of this section. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located, create lots with less than the minimum size required

by the district, increase densities above that established for the district, or reduce/eliminate standards of other BCC Titles.

(d) Variance—Permit Granted.

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

**AGENCY COMMENTS:**

1. The application documents were distributed to the following reviewing agencies on October 8, 2020:
  - a. Benton County Road Department
  - b. Benton County Building Department
  - c. Benton Franklin Health District
  - d. Benton County Fire District #3

- e. Benton County Fire Marshal
  - f. Benton County Code Enforcement
  - g. Roza Irrigation District.
2. Roza Irrigation District indicated, through an email received on 10/8/2020, the existence of main line (Lateral 72.4, Delivery 19 Subline) and associated easement along the west side of mentioned parcel. Imagery was provided, showing approximate location of the irrigation main line. The district indicated the requirement that 10' of access exist for future repair/replacement.
    - a. Applicant is aware of Roza Irrigation District's main line and its location. Using Roza's online mapping utility, prior "811 locates" and visual inspection, the applicant confirms that the main line is closely adjacent to west property boundary.
    - b. The proposed location of shop will provide 10', or greater, of access allowing sufficient space for future repair/replacement of irrigation main line.
  3. Benton County Public Works Department and Benton County Fire Marshal both replied with "no comment."
  3. The following are general comments and discussion points provided by the Benton County Planning Department for this application.
    - a. The proposed shop is an accessory use to an allowed single-family home on the parcel.
    - b. The proposed variance will not affect property size or increase densities in the zoning district.
    - c. The presence of access easement setbacks, coupled with the 20' setback requirements for GMAAD zoning on this 0.83-acre parcel, provide limited options to place garage compliant with required setbacks.
    - d. Variance to the required 20' GMAAD side setback provides the applicant potential to site the proposed shop in location utilizing existing driveway, eliminating the need for additional road approach and access drive within the 175' frontage along Robertson Rd.
    - e. The Planning Department finds the granting of the variance is in harmony with the general purposes and intent of the County Zoning Regulations.

**FINDINGS OF FACT AND CONDITIONS OF APPROVAL:**

The following Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for VAR 2020-001 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

Based on the information received to date, Planning Staff recommends approval of the applicant's request with the following suggested Findings of Fact and Conditions of Approval:

**SUGGESTED FINDINGS OF FACT:**

***The County Finds the following:***

1. Public notice and application requirements have been completed for the variance request:
  - a. The application for VAR 2020-001 was submitted to the Benton County Planning Department on October 5, 2020.
  - b. The application was declared complete for processing on October 7, 2020.
  - c. The application documents were distributed to reviewing agencies October 8, 2020.
  - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2020-001 was published on November 4, 2020 in the Prosser Record Bulletin.
  - e. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on November 4, 2020.
  - f. The Open Record Hearing is scheduled for November 16, 2020.
2. The applicant is Donald Clark, 180002 Robertson Rd., Grandview, WA 98930.
3. The owners are Donald and Andrea Clark, whose address is 180002 Robertson Rd., Grandview, WA 98930.
4. The property is located North of Robertson Rd., east of N. County Line Rd.; Mt. View Tracts, Lot 4. (Parcel Number 118942020000004).
5. The parcel is approximately 0.83 acre in size.
6. The Comprehensive Plan designation for the property is Growth Management Act Agricultural. This also applies to adjacent properties in all directions.
7. The Zoning designation for the property is Growth Management Act Agricultural District (GMAAD). This also applies to adjacent properties in all directions.
8. A shop is an accessory use in the GMAAD Zoning District.
9. The proposed variance will not affect property size or increase densities in the zoning district.
10. The new construction will consist of foundation and shop proposed to be 36' x 40' in size.
11. Approval of the variance request will not adversely affect the health or safety of persons in the area.
12. Approval of the variance request is in harmony with the general purposes and intent of the County Zoning Regulations.
13. A SEPA Checklist was not required for the application request.
14. Benton County Code, Chapter 11.50.030 Variances (a)(d), states the following:

- (a) Variance—General Standards. The variance application process allows the Hearings Examiner in specific cases, as provided in RCW 36.70.970, to grant a variance to the provisions of this title when it can be demonstrated that such variance is in harmony with the general purposes and intent of this title and is in accordance with the requirements of this section. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located, create lots with less than the minimum size required by the district, increase densities above that established for the district, or reduce/eliminate standards of other BCC Titles.
- (d) Variance—Permit Granted.
- (1) A variance shall be granted only if the Hearings Examiner concludes that based on his or her findings and the conditions imposed, if any, that:
- (i) Granting of the proposed variance will not permit a use that is not classified as an allowable, accessory or conditional use in the zoning district wherein the use would be located;
  - (ii) Special circumstances such as lot size, slope, topography or necessary size or shape of the building prevent compliance with the applicable property development standards;
  - (iii) Due to special circumstances applicable to the subject property, strict application of the zoning district property development standards would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning district classification;
  - (iv) The problem sought to be addressed by the variance is related to the physical features of the particular property or building and would exist regardless of the identity of the owner;
  - (v) The problem sought to be addressed is not common for other property in the surrounding area;
  - (vi) The variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity under the same zoning classifications;
  - (vii) The variance will not adversely affect the health or safety of persons residing or working in the neighborhood in which the variance is being requested; and,
  - (viii) The variance would not deny the preservation and enjoyment of substantial property rights of those owning property in the vicinity.
- (2) The Hearings Examiner may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by BCC 11.50.030(d)(1).

15. The new shop and concrete footing has approval to be sited ten (10') feet into the twenty (20') ft.

setback along the west property line, leaving a ten (10') ft. setback from west property line.

**SUGGESTED CONDITIONS OF APPROVAL:**

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

If the Hearings Examiner decides to approve Variance Request VAR 2020-001 then the following are suggested information and conditions recommended by the Planning Department:

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

If the conditions of approval have not been met and the Planning Department does not issue the variance within one (1) year from the time the Hearings Examiner conditionally approved the variance, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.

**Conditions of Approval**

1. The approval grants the applicant the ability to deviate from the property development setback standard in BCC 11.17.120 as follows:

*The new shop and concrete footing may be sited no greater than ten feet (10') into the twenty foot (20') setback along the west property line, leaving a ten foot (10') setback from the west property line. The encroachment of the shop and footing is specified on the submitted site plan.*

2. The applicant is required to obtain a Benton County Building Permit for the new shop.



RECEIVED

OCT 05 2020

Benton Co. Planning Dept.

BENTON COUNTY PLANNING DEPARTMENT  
VARIANCE APPLICATION

FILE NO. VAR 2020-001

- 1. Name and address of applicant: Donald Clark  
180002 Robertson Rd. Grandview, WA. 98930  
Phone number: Home: 509-882-2928 Work: 509-832-2181

If you wish to be contacted via email please list your email address: donclark86@gmail.com

- 2. Legal owners name and address: Donald + Andrea Clark  
180002 Robertson Rd. Grandview, WA. 98930  
Phone number: Home 509-882-2928 Work 509-832-2181

- 3. Legal description or Parcel Number of property for which permit is for: \_\_\_\_\_  
Mountain View Tracts Lot # 4  
1-1894-202-0000-004

- 4. Section of the zoning ordinance under which it is claimed that a variance should be granted. (To be completed by the Planning Department). \_\_\_\_\_  
B.C.C. 11.17.120 GMAAD setback Requirements

B.M.

- 5. A variance is being requested for the purpose of Building a shop

- 6. What is the minimum variance that will alleviate hardship? 10'

- 7. Are there special circumstances such as lot size, slope, topography or necessary size or shape of the building which prevent compliance with the zoning ordinance? If so, explain:  
EAST Side Easment, and Parcel Size Limit any other options for shop Placement. Proposed site only Place for vehicle access.

- 8. Does strict application of the zoning ordinance deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under the same zoning classification? If so, explain:  
No

9. The property will be served by:  
 WATER: Well  Private System \_\_\_\_\_ City System \_\_\_\_\_  
 SEWER: Septic Tank  City Sewer \_\_\_\_\_  
 POWER: PUD \_\_\_\_\_ REA   
 PHONE: Yes  No \_\_\_\_\_ Name of Utility Century Link  
 GAS: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
 CABLE: Yes \_\_\_\_\_ No  Name of Utility \_\_\_\_\_  
 IRRIGATION: Yes  No \_\_\_\_\_ Name of Utility Roza Irrigation  
 PRIVATE IRR. Yes \_\_\_\_\_ No

10. The applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') unless otherwise specifically approved by the Planning Department, showing the following information.

11. Zoning classification of property involved: GMAAD

12. Total acreage - lot size involved: .81 Ac.

COMMENTS OR PERTINENT INFORMATION:

*Access easements exist on both south and east property lines, requiring 25' setback. When coupled with 20' setback requirement of GMAAD district zoning, shop location is extremely limited. Setback reduction allows for placement of shop to west, meeting setback requirements in other directions.*

**Signature Block for individuals only.**

**I certify that the information given above is true and complete.**

|                           |                     |                |
|---------------------------|---------------------|----------------|
| <u>Donald Clark</u>       | <u>DONALD CLARK</u> | <u>10/5/20</u> |
| Applicant's Signature     | Print Name          | Date           |
| <u>Andrea Clark</u>       | <u>DONALD CLARK</u> | <u>10/5/20</u> |
| Signature of Legal Owners | Print Name          | Date           |
|                           | <u>ANDREA CLARK</u> | <u>10-5-20</u> |
|                           | Print Name          | Date           |

|   |                     |               |
|---|---------------------|---------------|
| _____<br>Signature of Person with additional ownership interest | _____<br>Print Name | _____<br>Date |
|---|---------------------|---------------|

**ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.**

**If the applicant or legal owner is a corporation/partnership/LLC etc. please use the following signature block. Please copy this page if there is more than one corporation/partnership/LLC signature is required.**

|                                   |                     |                |
|-----------------------------------|---------------------|----------------|
| <u>Donald Clark</u>               | <u>Donald Clark</u> | <u>10/5/20</u> |
| Applicant's or Legal Owner's Name | Print Name & Title  | Date           |

Applicant's or Legal Owners Signature: \_\_\_\_\_ / \_\_\_\_\_  
(Signature) (Title)

The above signed officer of \_\_\_\_\_ (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit \_\_\_\_\_ to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

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

**NOTE: THE VARIANCE REQUEST FEE OF \$700.00 MUST BE SUBMITTED WITH THE APPLICATION. THIS FEE IS NON-REFUNDABLE. PLEASE MAKE THE CHECK PAYABLE TO THE BENTON COUNTY TREASURER. THERE ARE NO GUARANTEES THAT YOUR APPLICATION WILL BE APPROVED.**

**FOR OFFICIAL USE ONLY:**

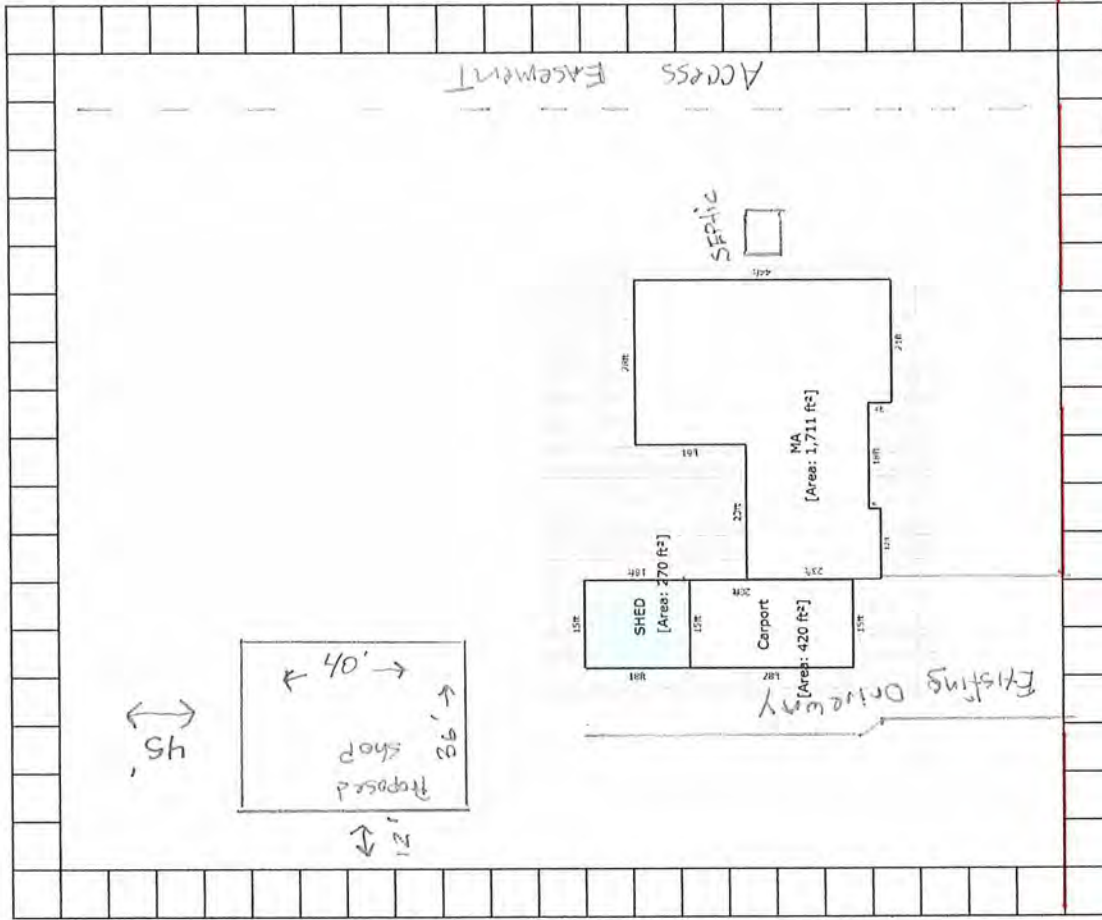
Critical Area Review Completed by B. Malley on 10/6/2020  
Application approved for processing by B. Malley on 10/6/2020  
Zoning GMAAD Comp Plan designation GMA AG



North P/L - 174'

West P/L - 208'

East P/L - 208'



Robertson Rd.

South P/L - 174'

**CLARK DONALD T & ANDREA**

geo\_id 118942020000004

prop\_id 47,262

Owner\_name CLARK DONALD T &  
ANDREA

Owner\_addr 180002 ROBERTSON RD  
GRANDVIEW, WA  
98930-9008

Situs\_addr 180002 ROBERTSON RD  
GRANDVIEW, WA  
98930-9008

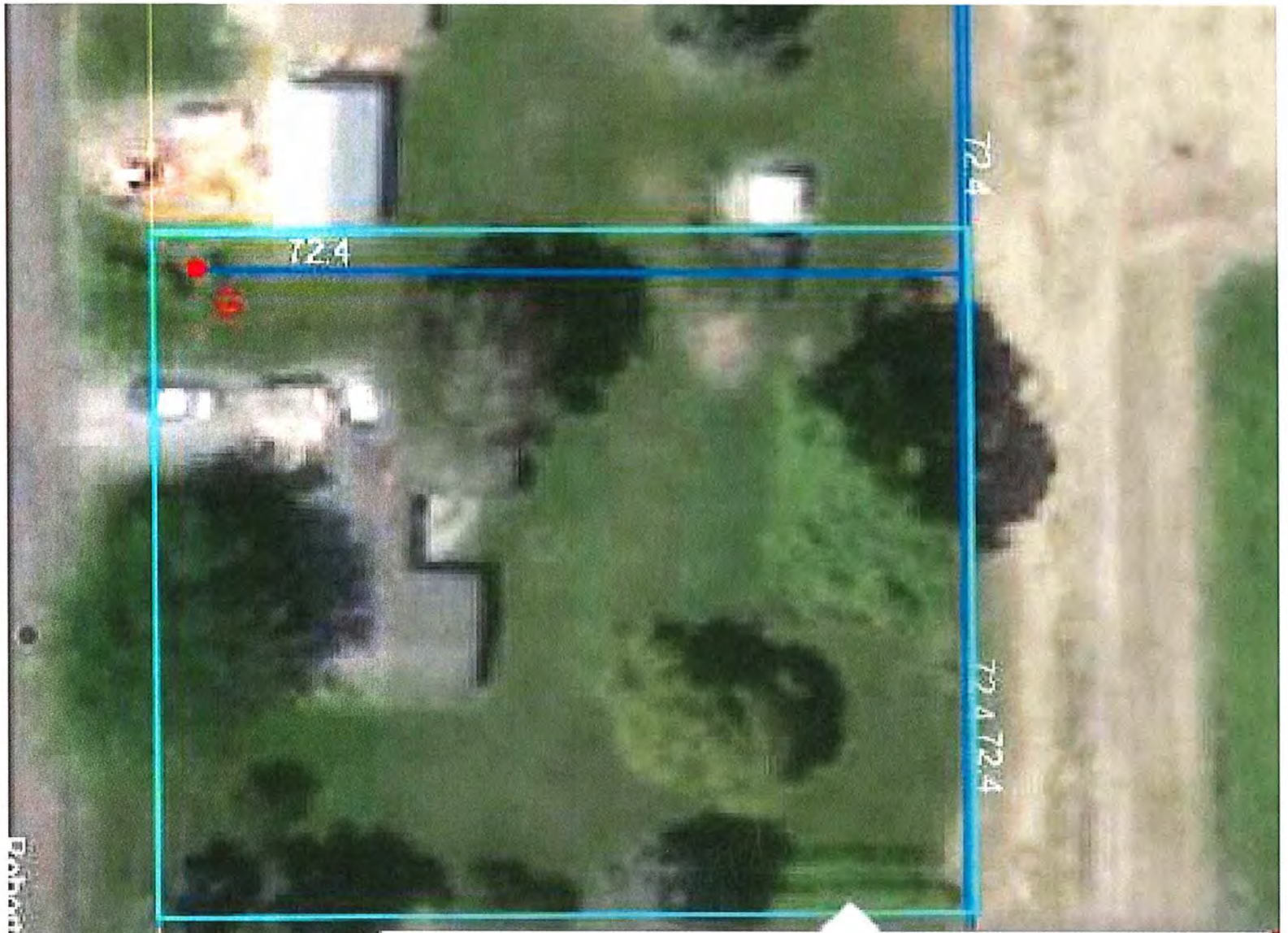
legal\_desc MT. VIEW TRACTS, LOT 4

Tax\_code\_a 1813

Appraised\_ 200,250

Neighborhood 143561 Outlying Prosser -  
One Story

Zoom to



**Planning Department**

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



[www.co.benton.wa.us](http://www.co.benton.wa.us)

[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

**Prosser Office:** 620 Market Street, 1<sup>st</sup> Floor

**Kennewick Office:** 102206 East Wiser Parkway

**HEM 1.4**

October 7, 2020

Donald Clark  
18002 Robertson Road  
Grandview, WA 98930

Via email: [dontclark86@gmail.com](mailto:dontclark86@gmail.com)

RE: Written Determination of Completeness  
File Number: VAR 2020-001

Dear Mr. Clark,

This office is in receipt of your project permit application for a Variance on Parcel 1-1894-202-0000-004 and has determined that the required materials have been submitted and the application is complete. The review process will now begin on your application. Prior to the Open Record Hearing on your project, you will receive a public hearing notice and a staff memo.

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

Additional information and/or permits may be required from other agencies including, but not limited to, the Benton County Building Department, Benton County Public Works, Benton-Franklin Health District, and the Washington State Department of Health.

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

Sincerely,

A handwritten signature in black ink that reads "Brian Malley".

\_\_\_\_\_  
Brian Malley, Associate Planner  
Benton County Planning Department

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



[www.co.benton.wa.us](http://www.co.benton.wa.us)  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)  
**Prosser Office:** 620 Market Street, 1<sup>st</sup> Floor  
**Kennewick Office:** 102206 East Wiser Parkway

## HEM 1.5

DATE: October 8, 2020

TO: Benton County Road Department  
Benton County Building Department  
Benton Franklin Health District  
Benton County Fire District # 3  
Benton County Fire Marshal  
Benton County Code Enforcement  
Roza Irrigation District

**VARIANCE REQUEST:**

File #: VAR 2020-001  
Applicant: Donald Clark

**Enclosed are documents from Donald Clark requesting a Variance from the 20' setback on the West property line of Parcel # 1-1894-202-0000-004.**

The applicant is requesting a variance to encroach 10' into the 20' setback from the West property line in order to build a shop.

There is a one-week review period for this application. Please submit any comments to this office via email to [Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us) no later than October 15, 2020. If you wish, you may also mail your comments to Benton County Planning Department P.O. Box 910, Prosser, WA 99350.

**Please reference file number VAR 2020-001 in all correspondence.**

Thank you,  
Benton County Planning Department

**From:** Clark Posey  
**Sent:** Thursday, October 8, 2020 10:23 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review request (VAR 2020-001, Clark)

Fire Marshal has no comment on this proposal.

Clark

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, October 8, 2020 10:01 AM  
**To:** Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Fire District #3 - Seth <SJohnson@westbentonfirerescue.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Roza Irrigation District - Steve Hayman <shayman@roza.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>  
**Cc:** Andrea Watts <Andrea.Watts@co.benton.wa.us>; Brian Malley <Brian.Malley@co.benton.wa.us>  
**Subject:** Agency Review request (VAR 2020-001, Clark)

Please see the attached Variance agency review and associated documents.

Please have all comments back by October 15, 2020.

Thank you!



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

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

**NOTICE OF PUBLIC DISCLOSURE:** This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

**From:** Hayman, Steve <shayman@roza.org>  
**Sent:** Thursday, October 8, 2020 2:26 PM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: Agency Review request (VAR 2020-001, Clark)  
**Attachments:** Capture.JPG

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

Roza Irrigation District has a main line (Lateral 72.4, Delivery 19 Subline) and associated easement along the west side of mentioned parcel.

Please see attached image for approximate location of the irrigation main line.

Thank you,

**Steve Hayman**  
Civil Engineering Technician II  
Roza Irrigation District  
125 South 13th Street  
Sunnyside, WA 98944

Office: 509-837-5141  
Mobile: 509-840-4422  
Email: [shayman@roza.org](mailto:shayman@roza.org)

**From:** Planning Department [mailto:Planning.Department@co.benton.wa.us]  
**Sent:** Thursday, October 08, 2020 10:01 AM  
**To:** Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Fire District #3 - Seth <SJohnson@westbentonfirerescue.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Hayman, Steve <shayman@roza.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>  
**Cc:** Andrea Watts <Andrea.Watts@co.benton.wa.us>; Brian Malley <Brian.Malley@co.benton.wa.us>  
**Subject:** Agency Review request (VAR 2020-001, Clark)

Please see the attached Variance agency review and associated documents.

Please have all comments back by October 15, 2020.

Thank you!



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

**From:** Cristina Woods  
**Sent:** Tuesday, October 13, 2020 8:08 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review request (VAR 2020-001, Clark)

Good morning

Public Works has no comments

Thank you

*Cristina I. Woods*

*Engineering Tech III  
Benton County Public Works  
102206 Wiser Parkway  
Kennewick WA99338  
509-786-5611*

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, October 8, 2020 10:01 AM  
**To:** Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Fire District #3 - Seth <SJohnson@westbentonfirerescue.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Roza Irrigation District - Steve Hayman <shayman@roza.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>  
**Cc:** Andrea Watts <Andrea.Watts@co.benton.wa.us>; Brian Malley <Brian.Malley@co.benton.wa.us>  
**Subject:** Agency Review request (VAR 2020-001, Clark)

Please see the attached Variance agency review and associated documents.

Please have all comments back by October 15, 2020.

Thank you!



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

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

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Planning Department  
 (509) 786-5612  
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www.co.benton.wa.us  
 planning.department@co.benton.wa.us  
 Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wiser Parkway

## NOTICE OF OPEN RECORD HEARINGS

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

**VAR 2020-001 Applicant: Donald Clark**

The applicant is seeking a reduction of the 20' side yard setback to a 10' setback for a new shop. The Variance is being requested due to setback requirements, easements and the parcel size. The site is located at 180002 Robertson Road in Grandview, WA. Benton County Parcel No. 1-1894-202-0000-004

**CUP 2020-014 Applicants: Stephen & Darlene Recker**

The applicants are requesting permission to construct a detached Accessory Dwelling Unit on .91 acres in the Rural Lands 1 zoning. The site is located at 6503 Coulee Vista Drive in Kennewick, WA. Benton County Parcel No. 1-0588-402-0000-008

**CUP 2020-015 Applicant: Brian R. Wilson**

The applicant is requesting permission to construct a detached Accessory Dwelling Unit on 7.49 acres in the Rural Lands 5 zoning. The site is located at 56615 NW Roza PR in Benton City, WA. Benton County Parcel No. 1-0296-201-1696-001

**NOTICE IS GIVEN** that said the Benton County Hearings Examiner will hold an open record public hearing for the above stated applications on Monday, November 16, 2020 at 10:00 am.

**Due to the ongoing and unprecedented COVID-19 emergency, participation in this meeting will only be offered virtually.** All concerned persons may virtually appear and present any support for or objection to an application or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. Written testimony may be submitted to: Benton County Planning Department PO Box 910 Prosser, WA 99350. Any information submitted to Benton County is subject to the public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other laws that may require the release of the documents to the public.

**To find information on virtual attendance options which include streaming video, Webex video conferencing and telephone, please visit: [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice)**

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

If you have questions regarding any of the land use proposals listed or have questions about submitting comments or attending a virtual hearing, please contact the Planning Department at 509-786-5612 or visit our office at 102206 E. Wiser Parkway, Kennewick, WA 99338.

Dated this 30<sup>th</sup> day of October 2020

SUSAN E. DRUMMOND  
 Benton County Hearings Examiner

GREG J. WENDT, Planning Manager  
 Benton County Planning Department

PUBLICATION DATE: November 4, 2020