

EXHIBIT LIST FOR VAR 2023-001
Felipe Avila

Hearings Examiner Staff Memo Exhibit List - March 17, 2023 hearing		
HEM 1.1	Staff Memo	March 2, 2023
HEM 1.2	Vicinity map	February 22, 2023
HEM 1.3	Application	February 15, 2023
HEM 1.4	Site Plan	February 15, 2023
HEM 1.5	Written Determination of Completeness	February 17, 2023
HEM 1.6	Agency review request	February 17, 2023
HEM 1.7	Comments from City of Kennewick	February 21, 2023
HEM 1.8	Comments from City of Kennewick	February 21, 2023
HEM 1.9	Comment from Kennewick Irrigation District	February 15, 2023
HEM 1.10	Notice of Open Record Hearings	February 24, 2023
Exhibits Submitted During Hearing or while record remained open		
HEH 1.1		
HEH 1.2		
HEH 1.3		
HEH 1.4		
HEH 1.5		
HEH 1.6		
HEH 1.7		
HEH 1.8		
HEH 1.9		
HEH 1.10		

Community Development Department

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



Planning Division

(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Felipe Avila: Variance**

HEM 1.1

FILE NO: VAR 2023-001

MEMO DATE: March 2, 2023

HEARING DATE: March 17, 2023

APPLICANTS/OWNERS: Felipe Avila 7916 Chehalis Dr. Pasco, WA 99301

LOCATION: General Location: Approximately 0.03 miles North of the intersection of W. Payette Ave and N. Sheppard St. in Kennewick, WA.

Address: 1210 N. Sheppard St. Kennewick, WA 99336

Abbreviated Legal: Lampson Homesites, Lot 8

Parcel Number: 1-3499-202-0000-008

PROPERTY SIZE: 0.29 acres

AREA TO BE USED: The applicant is seeking a 5' variance from the side yard property and a 5' variance from the rear property line.

LAND USE: Residential

COMPREHENSIVE PLAN: Urban

ZONING: Urban Growth Area Residential District (UGAR)

RECOMMENDATION:

Planning Division recommends approval of the application request, subject to the fourteen (14) Findings of Fact and Four (4) 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 11.07.090. This variance request is for relief from the side and rear yard setback requirements for the siting of a new accessory building. (HEM 1.3)

The applicant is proposing to site a 25'x30' accessory building on the southeast corner of the property. The applicant is requesting a variance from BCC 11.070.090 (a)(3) and (4) to have a five (5) foot reduction from the ten (10) foot side and rear setback requirements, leaving (5) foot setbacks from both the south and east property lines. (HEM 1.4)

The applicant is requesting the variance due to the small parcel size and the limitations associated with rear and side yard access due to the location of the property's septic, drain field, and well. The home is situated 46' from the north property line, with the well head located between the home and north property line, making the placement of an accessory structure on the north side of the property difficult. Additionally, the septic and drain field take up the northeast side of the property. (HEM 1.4) The applicant's desire to construct a garage and have a straight (unobstructed) driveway to the garage, has led to the applicant's request to encroach 5 feet into the side and rear yard setbacks along the south and east property lines.

PUBLIC NOTICE:

1. The application for VAR 2023-001 was submitted to the Benton County Planning Division on February 15, 2023.
2. The application was declared complete for processing on February 17, 2023. (HEM 1.5)
3. The application documents were distributed to reviewing agencies February 17, 2023. (HEM 1.6)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-001 was published on March 1, 2023 in the Prosser Record Bulletin. (HEM 1.10)
5. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on February 27, 2023.
6. The Open Record Hearing is scheduled for March 17, 2023.

APPLICABLE STANDARDS/ORDINANCES:

1. Benton County Code, Chapter 11.07, Urban Growth Area Residential District.
11.07.010 PURPOSE. The Urban Growth Area Residential District (UGAR) are lands within Urban Growth Areas (UGAs) that have been designated to accommodate the land use needs of a city's projected future population growth. The UGAR District allows higher densities and a variety of uses similar to those typically found in the adjacent cities. The densities, uses and development provisions allowed within this district assure that development prior to annexation by a city results in densities, land uses and development patterns that are consistent with that city's Comprehensive Plan.

11.07.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

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

11.07.090 PROPERTY DEVELOPMENT STANDARDS - SETBACK REQUIREMENTS. All lands, structures, and uses in the Urban Growth Area Residential (UGAR) shall meet the following setback requirements, and if applicable, the setback requirements set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

(a) Setback Requirements. The following minimum setbacks shall apply:

(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

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 February 17, 2023:
 - a. Benton County Public Works Department
 - b. Benton County Building Division
 - c. Benton-Franklin Health District
 - d. Benton County Fire District #1
 - e. Benton County Fire Marshal
 - f. Kennewick Irrigation District
 - g. Benton PUD
 - h. City of Kennewick Planning and Public Works
2. Kennewick Irrigation District, in a comment letter dated 02/28/2023, had the following comments: **(HEM 1.9)**
 - a. This parcel is within Kennewick Irrigation District (KID) boundaries and is considered irrigable lands; therefore, the Kennewick Irrigation District assesses them. A KID service connection is available. Contact KID for more information.
 - b. Please note that permanent structures are not allowed within irrigation easements.
 - c. Please protect all existing irrigation facilities. Please be aware that KID has irrigation facilities in the vicinity of this variance and accessory building request. Please refer to

the attached map. Facilities appear to be located outside of the impacted area; however, KID would require relocation of the facilities if they will be impacted by the proposed building.

- d. For further information you may reach out to Daniel Tissell with KID at (509)586-6012 or dtissell@kid.org.
3. The following are general comments and discussion points provided by the Benton County Planning Division for this application.
- a. The proposed accessory building is an accessory use on the parcel.
 - b. The proposed variance will not affect property size or increase densities in the zoning district.
 - c. A five (5) foot variance to the ten (10) foot side and rear yard setbacks permits the applicant the ability to construct a driveway access and accessory building along the property's south side.
 - d. The variance request is due to small lot size, drain field location, home placement, well head location, and limitations associated where an unobstructed driveway and garage can be sited.
 - e. The Planning Division finds the granting of the variance is consistent with the general purpose 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 2023-001 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.

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).

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 2023-001 was submitted to the Benton County Planning Division on February 15, 2023.
 - b. The application was declared complete for processing on February 17, 2023.
 - c. The application documents were distributed to reviewing agencies February 17, 2023.
 - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-001 was published on March 1, 2023 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 February 27, 2023.
 - f. The Open Record Hearing is scheduled for March 17, 2023.
2. The applicant/owner is Felipe Avila, 7916 Chehalis Dr, Pasco, WA 99301.
3. The property address is: 1210 N Sheppard St, Kennewick, WA 99336.
4. The property is located approximately 0.03 miles North of the intersection of W Payette Ave and N Sheppard St. in Kennewick, WA.
5. The parcel is approximately 0.29 acres in size.
6. The Comprehensive Plan designation for the property and neighboring parcels is Urban.
7. The zoning designation for the property and adjacent parcels is Urban Growth Area Residential District.
8. An accessory building (garage) is an accessory use in the Urban Growth Area Residential District.
9. The proposed variance will not affect property size or increase densities in the zoning district.
10. The proposed accessory building is to be 25' x 30' feet 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 consistent with the general purpose 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).

CONDITIONS OF APPROVAL:

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

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

Suggested Conditions of Approval

1. The approval grants the applicant the ability to deviate from the property development setback standard in BCC 11.070.090 (a)(3)(4) as follows:

The accessory building may be sited no greater than five (5) feet into the ten (10) foot setback along the south and east property lines, leaving a five (5) foot setback from the south and east property lines. The encroachment of the building has been specified on the submitted site plan.

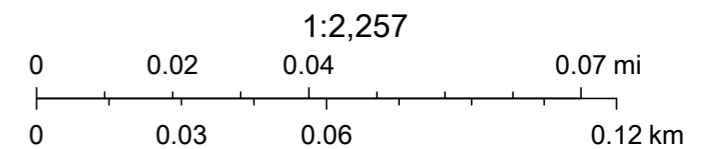
2. BFHD approval is required, and the applicant shall make application to have the site evaluated by the Benton Franklin Health Department prior to building permit submittal.
3. The applicant is required to obtain a Benton County Building Permit for the new accessory building.
4. The applicant will need to verify that the location of proposed building will not impact existing KID facilities located on parcel.

VAR 2023-001- Vicinity Map



2/22/2023, 11:54:34 AM

Parcels and Assess



Google Inc

Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wisner Parkway
www.co.benton.wa.us



Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

VARIANCE APPLICATION

File No. VAR 2023 001

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FEB 15 2023

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent:

Benton Co. Planning Dept.

Felipe Avila
Mailing Address: 7916 Chehalis DR City: PASCO
State: WA ZIP: 99301 Phone: 509 8453465 Work: _____
Email Address: FelipeSandoval882@GEmail.com
Signature: Felipe Avila Date: 12/26/22

Property Owner(s) (if different):

Felipe Avila

Mailing Address: 7916 Chehalis DR City: PASCO
State: WA ZIP: 99301 Phone: 509 8453465 Work: _____
Email Address: FelipeSandoval882@GEmail.com
Signature: Felipe Avila Date: 12/26/22
Signature: _____ Date: _____

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

Land Surveyor:

Mailing Address: _____ City: _____
State: _____ ZIP: _____ Phone: _____ Work: _____
Email Address: _____

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

ENTITY SIGNATURE BLOCK

If the applicant or legal owner of the property is a corporation, partnership, trust or LLC use the following signature block.

Applicant/Legal Owner: _____

Officer name: _____

Title: _____

Signature: _____ Date: _____

THE ABOVE SIGNED OFFICER OF _____ (name of entity)

WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO

PERMIT _____ (name of applicant) TO SUBMIT THIS APPLICATION AND THAT THE

ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

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

PARCEL INFORMATION

1. Subject property address: 1710 N Sheppard St

City: Kennewick State: WA ZIP: 99336

2. Parcel number: 1-3499-202-0000-008 Acres: 0.29

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

4. Utilities: Power: Benton PUD Benton REA

Sewer: Septic Tank City Sewer: (Provider) _____

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

Private System (Provider & Address) _____

City System (Provider) _____

Gas: No Yes: (Provider) _____

Cable: No Yes: (Provider) _____

Phone: No Yes: (Provider) _____

Irrigation: No Private District: (Provider) KFD

5. Requested setback variance: 5 FT ft. from which boundary line? Front Rear Side

6. Describe the requested variance: Build a garage 25x30,
Due to Benton Franklin health setbacks from sewer system.

7. Does the variance being requested border an easement? Yes No Unknown

8. Has approval been obtained from the Benton-Franklin Health District? Yes No N/A

9. Are there circumstances (lot size/shape, topography, structure size) that prevent compliance with required setbacks? Yes No

a. If yes, describe the circumstances which exist on your property that justify deviation from the required setbacks: Lot size restrictions.

b. Are the circumstances above a result from actions of past/present property owner?
 Yes No If yes, please explain: _____

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-10. Are the circumstances creating the need for a variance/deviation unique to your property not experienced by other properties in the area?

Yes due to current septic system and size of lot.

11. Do you believe a variance is your only option to solve the problem or is there another reasonable way to accomplish your project that would not require a variance?

No.

12. Describe how granting this variance will not be materially detrimental to the public health, safety, welfare, surrounding properties or improvements in the vicinity:

Will still maintain distance from other structures

13. Additional comments or information:

[Empty lines for additional comments]

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

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



Benton-Franklin Health District
Environmental Health Division
 7102 W. Okanogan Place • Kennewick, WA 99336
 (509) 460-4205 or (800) 814-4323
 www.bfhd.wa.gov

For Office Use Only	
ACCT. #	0322-5336
HSP #	CCAO-CLX2GH

Existing On-Site Sewage System Evaluation Report

SECTION 1: INFORMATION ABOUT THE PROPERTY		
Date of Application 12-6-2022	Domestic Water Source <input type="checkbox"/> Single Family Well <input checked="" type="checkbox"/> Public Water Supply	
Site Address 1210 N Sheppard St, Kennewick WA 99336	Name of Public Supply:	
Tax Parcel Identification Number 1-3499-202-0000-008	Lot Number 8	Block Number
Legal Description of Parcel/Subdivision LAMPSON HOMESITES: LOT 8		
SECTION 2: APPLICANT INFORMATION		
Applicant Name Felipe Avila Sandoval		Daytime Phone 509 845-3465
Current Mailing Address 7916 Chehalis Dr		City Pasco
e-mail address: felipesandoval882@icloud.com		Zip Code 99301
		Home Phone
		Cell Phone 509 845-3465
SECTION 3: PURPOSE OF REVIEW		
<input type="checkbox"/> New Single Family Home	<input type="checkbox"/> Change or Additional Use	<input checked="" type="checkbox"/> Accessory Building (Shop, Garage, Shed)
<input type="checkbox"/> Addition to Existing Home	<input type="checkbox"/> Childcare - Number of Children =	<input type="checkbox"/> Title Elimination
<input type="checkbox"/> Swimming Pool or Spa	<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Other Specify:
SECTION 4: APPLICANT SUPPLIED DETAILS-VERIFIED BY BFHD		
Type of Existing Structure: <input checked="" type="checkbox"/> Site Built <input type="checkbox"/> Pre-Manufactured		Property size: .29 <input checked="" type="checkbox"/> acres <input type="checkbox"/> square feet
Number of Employees/Patrons/Residents: 5	Total Number of Bedrooms/Gallons Per Day: 3	
<input checked="" type="checkbox"/> Garbage Disposal <input type="checkbox"/> Water Softener	<input type="checkbox"/> Basement <input type="checkbox"/> Plumbing Present in Basement	
Approximate Age of On-site System: 18 yrs.	Septic Tank Size: 1100 gal.	Drainfield Size: 300 DW
Date of Septic Tank Pumping: 12-14-2022	Pumper: Bison Septic Pumping	Contact Number: 509 554-6570
SECTION 5: FOR OFFICE USE ONLY		
<input checked="" type="checkbox"/> System Records	<input checked="" type="checkbox"/> As-built drawing	<input checked="" type="checkbox"/> OSS Permit # 18285
Install Date: 8-04-2005	Installer: John Rada	<input checked="" type="checkbox"/> Baffles present
<input checked="" type="checkbox"/> Tank water tight	<input checked="" type="checkbox"/> Tank lids sound	<input checked="" type="checkbox"/> Wastewater strength
<input checked="" type="checkbox"/> Replacement area	<input checked="" type="checkbox"/> Setbacks maintained	<input checked="" type="checkbox"/> OSS sized for proposal
<input checked="" type="checkbox"/> System functioning	<input checked="" type="checkbox"/> Proposal compliant	<input checked="" type="checkbox"/> Detailed site plan attached
Comments:		
Continued use of the on-site septic system is deemed appropriate for the existing single-family residence up to 3 bedrooms with the addition of an accessory Garage 30' X 25' building as shown on the site plan stamped "Reviewed" by this department. Upon initial drainfield failure, the replacement drainfield will require an engineer-designed pressure distribution system.		

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FEB 15 2023

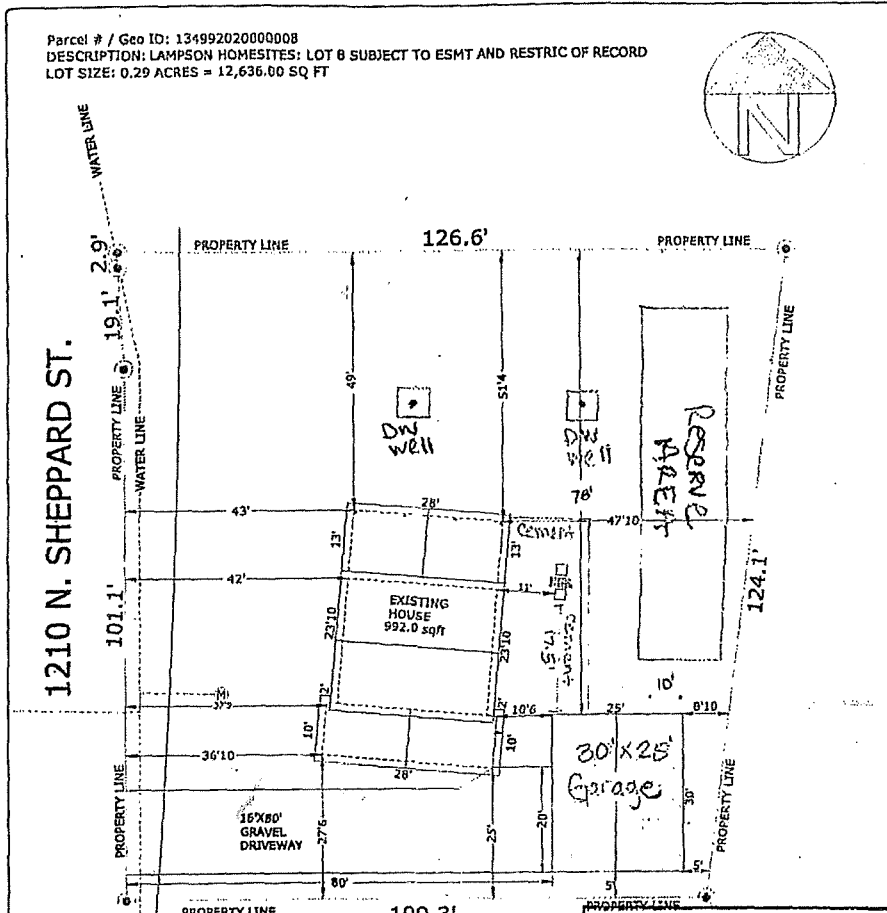
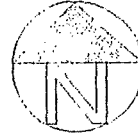
Benton Co. Planning Dept.

[Signature]
 Environmental Health Specialist

2-10-2023
 Date

Amy D. Person, M.D.
 District Health Officer

Parcel # / Geo ID: 13499202000008
 DESCRIPTION: LAMPSON HOMESITES: LOT 6 SUBJECT TO ESMT AND RESTRICT OF RECORD
 LOT SIZE: 0.29 ACRES = 12,636.00 SQ FT



Site Plan Reviewed for Conformance with
 Benton-Franklin Health District Rules

By *[Signature]*

Date *2/10/2023*

SITE PLAN

SCALE 1" = 20' (1" X 17" SHEET)
 SCALE 1" = 10' (1/4" X 36" SHEET)

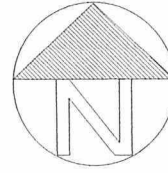
SITE PLAN NOTES

1. EACH CONTRACTOR AND SUBCONTRACTOR TO VERIFY THE EXISTENCE OF BURIED UTILITIES IN THE AREA OF CONSTRUCTION PRIOR TO ALL EXCAVATION.
2. SETBACKS TO COMPLY WITH ALL APPLICABLE LOCAL, COUNTY, STATE, AND NATIONAL CODES. CONTRACTOR TO VERIFY ANY CHANGES OR ADDENDUM TO DEVELOPMENT SETBACKS PRIOR CONSTRUCTION.

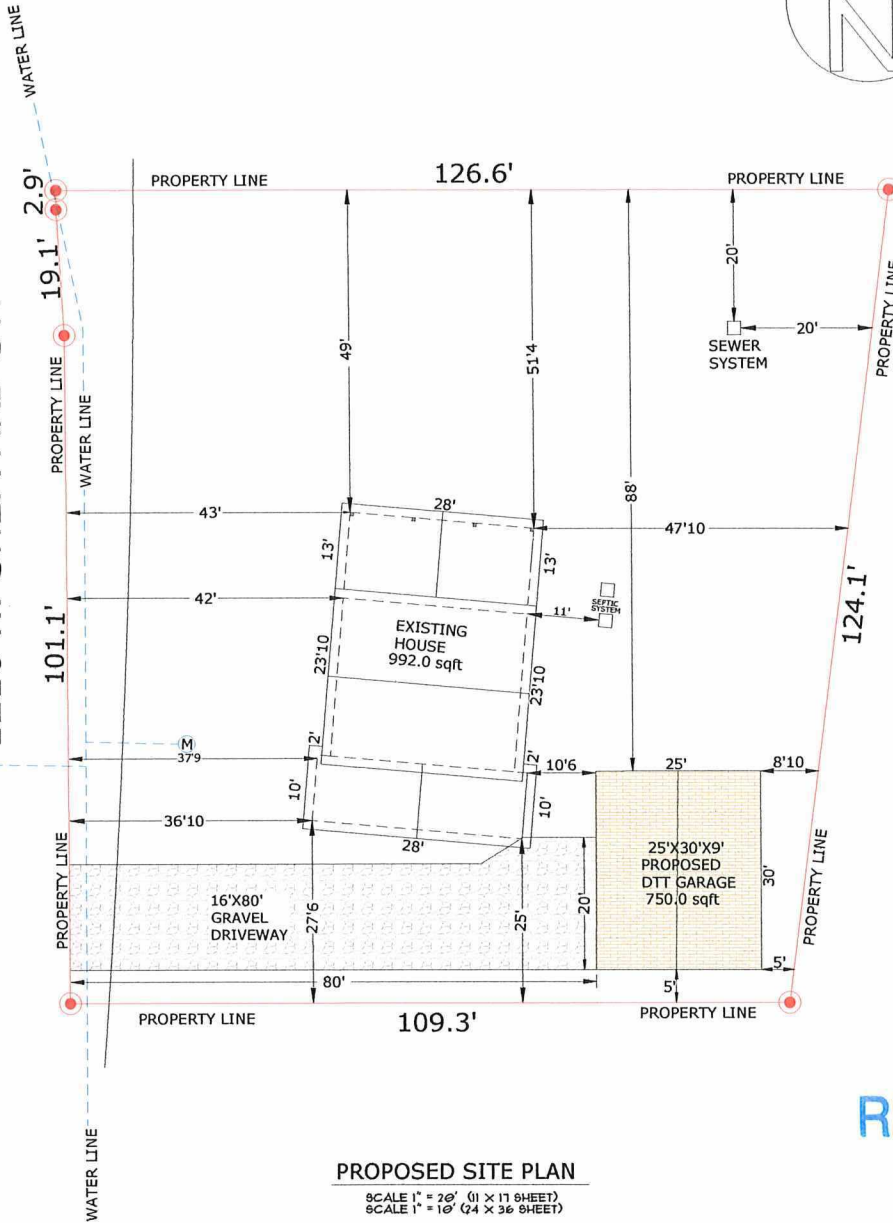
- EXISTING HOUSE & PORCH
- GRAVEL DRIVEWAY
- PROPOSED GARAGE ADDITION

PAGE: C1	DATE: 11/19/2022	SITE PLAN	OWNER: D SQUARED CONSTRUCTION ADDRESS: 3512 W. WERNETT RD. CITY: PASCO, WA. 99301 COUNTY: FRANKLIN CO. WA. PH: (509) 823-0457	ELIZABETH QUARTE 3318 W. WALTON ST. PASCO, WA. 99301 PH (509) 521-4344 bey@quarteconstruction.com	REV. 0
		40' X 24' X 9' GARAGE			

Parcel # / Geo ID: 13499202000008
 DESCRIPTION: LAMPSON HOMESITES: LOT 8 SUBJECT TO ESMT AND RESTRIC OF RECORD
 LOT SIZE: 0.29 ACRES = 12,636.00 SQ FT



1210 N. SHEPPARD ST.



PROPOSED SITE PLAN

SCALE 1" = 20' (11 X 17 SHEET)
 SCALE 1" = 10' (24 X 36 SHEET)

RECEIVED

FEB 15 2023

Benton Co. Planning Dept.

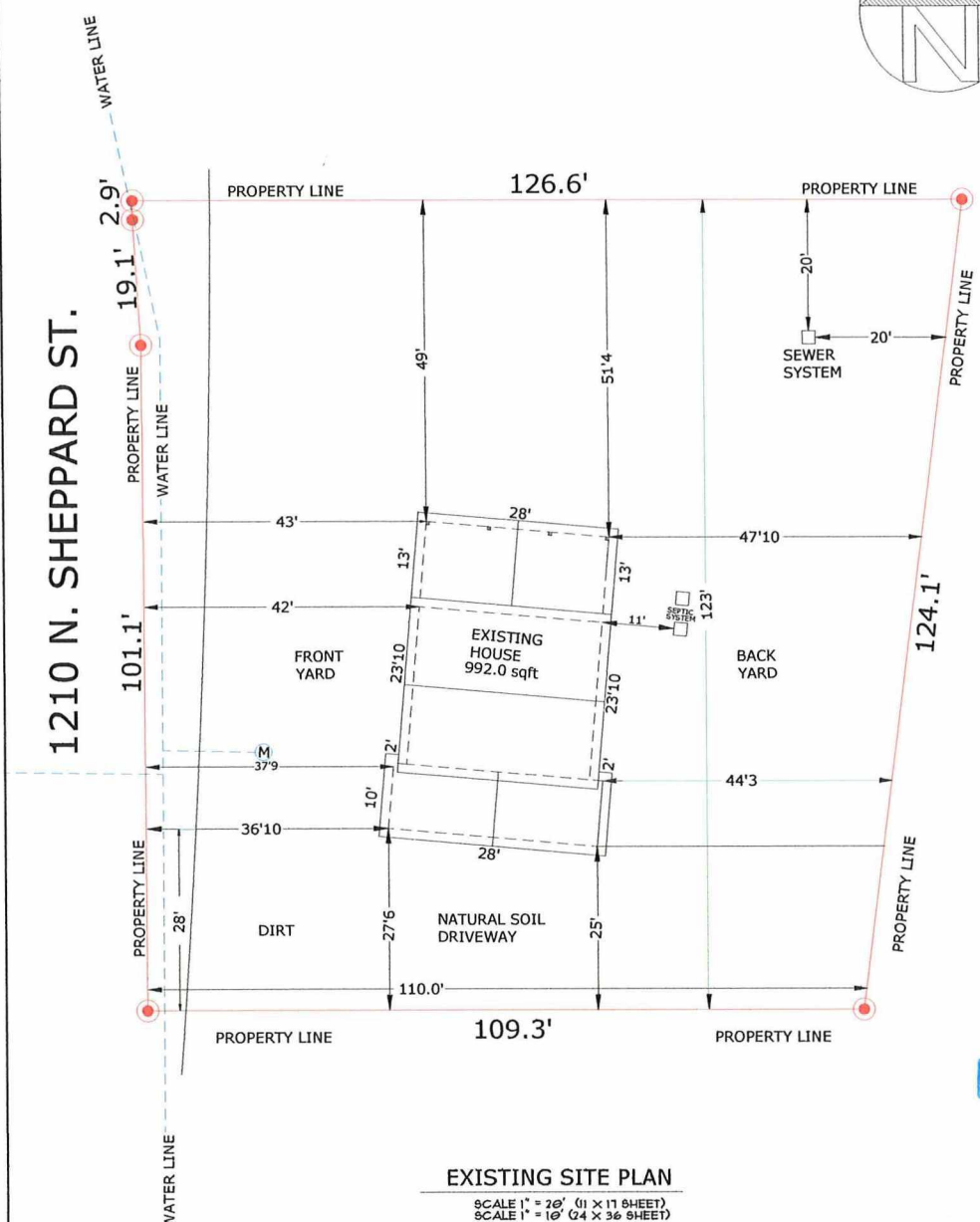
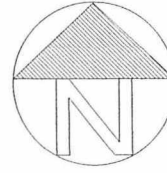
SITE PLAN NOTES

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- EXISTING HOUSE & PORCH
- GRAVEL DRIVEWAY
- PROPOSED GARAGE ADDITION

PAGE: C1.1	DATE: 11/20/2022 02/10/2023	PROPOSED SITE PLAN SCALE 1" = 20' (11 X 17 SHEET) SCALE 1" = 10' (24 X 36 SHEET) 40' X 24' X 9' GARAGE	OWNER: FELIPE SANDOVAL ADDRESS: 1210 N. SHEPPARD ST. CITY: KENNEWICK, WA. 99337 COUNTY: BENTON, WA. PH: (509) 845-3465	 DRAWN BY: ELIZABETH DUARTE 3316 W. YAKIMA ST. PASCO, WA 99301 PH (509) 521-4384 betyduarte@yahoo.com	REV. 0
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Parcel # / Geo ID: 13499202000008
 DESCRIPTION: LAMPSON HOMESITES: LOT 8 SUBJECT TO ESMT AND RESTRIC OF RECORD
 LOT SIZE: 0.29 ACRES = 12,636.00 SQ FT



RECEIVED
 FEB 15 2023


Benton Co. Planning Dept.

EXISTING SITE PLAN
 SCALE 1" = 20' (11 X 17 SHEET)
 SCALE 1" = 10' (24 X 36 SHEET)

SITE PLAN NOTES

1. EACH CONTRACTOR AND SUBCONTRACTOR TO VERIFY THE EXISTENCE OF BURED UTILITIES IN THE AREA OF CONSTRUCTION PRIOR TO ALL EXCAVATION.
2. SETBACKS TO COMPLY WITH ALL APPLICABLE LOCAL, COUNTY, STATE, AND NATIONAL CODES. CONTRACTOR TO VERIFY ANY CHANGES OR ADDENDUM TO DEVELOPMENT SETBACKS PRIOR CONSTRUCTION.

- EXISTING HOUSE & PORCH
- EXISTING DIRT (NATURAL SOIL) DRIVEWAY

PAGE: C1	DATE: 11/20/2022 02/10/2023	EXISTING SITE PLAN <small>SCALE 1" = 20' (11 X 17 SHEET) SCALE 1" = 10' (24 X 36 SHEET)</small> 40' X 24' X 9' GARAGE	OWNER: FELIPE SANDOVAL ADDRESS: 1210 N. SHEPPARD ST. CITY: KENNEWICK, WA. 99337 COUNTY: BENTON, WA. PH: (509) 845-3465	 <small>DRAWN BY: ELIZABETH DUARTE 3316 W. YAKIMA ST. PASCO, WA 99301 PH (509) 521-4384 belyduarte@yahoo.com</small>	REV. 0
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Community Development Department

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



Planning Division

(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

HEM 1.5

February 17, 2023

Felipe Avila
7916 Chehalis Dr.
Pasco, WA 99301

Via email to: felipesandoval882@gmail.com

RE: Written Determination of Completeness
File Number: VAR 2023-001

Dear Applicant,

This office is in receipt of your project permit application for a Variance to allow you to reduce your setback by 5 feet on both the South side property line and the East rear property line to place a 25'x30' shop building at 1210 N Sheppard St., Kennewick, WA 99336. The Planning Division has determined that the required materials have been submitted and the application is complete. A file number has been assigned (VAR 2023-001) and the review process will now begin. Prior to any 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 as we go through the review process. Other agencies with jurisdiction over this matter may also require additional information and/or permits. Those agencies include, but are not limited to, Benton Franklin Health District, Benton County Building Division, Benton County Public Works/Roads Department and any City near the proposed project.

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

Sincerely,

Liz Koerner, Associate Planner
Benton County Community Development Dept.
Planning Division

Community Development Department

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

**Planning Division**

(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

DATE: February 17, 2023

TO: Benton County Public Works Department
Benton County Building Division
Benton-Franklin Health District
Benton County Fire District # 1
Benton County Fire Marshal
Kennewick Irrigation District
Benton PUD
City of Kennewick Planning and Public Works

FROM: Benton County Community Development Department
Planning Division

RE: Variance Request
File # VAR 2023-001
Applicants: Felipe Avila
Parcel #: 1-3499-202-0000-008

VARIANCE REQUEST:

The applicant is requesting a variance to reduce the South side and East rear property line setbacks by 5' each in the Urban Growth Area Residential District in Kennewick, Washington for an accessory building. The granting of a variance would allow the applicant to have a side and rear setback of 5' total from the property lines.

UGAR setbacks require: "(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines. (4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines." BCC 11.07.090 (a)(3)(4)

Attached please find the application materials submitted for your review.

Please submit your comments to planning.department@co.benton.wa.us by **March 1, 2023**.

Thank you,

Benton County Planning Division

Elizabeth Koerner

From: Kristin Stowe <Kristin.Stowe@ci.kennewick.wa.us>
Sent: Tuesday, February 21, 2023 12:07 PM
To: Elizabeth Koerner
Cc: Martin Nelson
Subject: [EXTERNAL] RE: VAR 2023-001- Avila- Agency Review

EXTERNAL EMAIL WARNING!!!: This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hi Liz,

Public Works has no comments on this requested variance. If you need anything else, please let me know.

I have forwarded your correspondence to our Traffic Division for comments and would ask that Joe Seet be removed from your mailing list as he no longer works for the City. You can add [Joshua Hazlett](#) as his replacement moving forward.

Thanks!



Kristin Stowe

City of Kennewick
Public Works Department
Development Review Supervisor
O: 509.585.4349 | C: 509.727.1310
kristin.stowe@ci.kennewick.wa.us



Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

From: Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>
Sent: Tuesday, February 21, 2023 7:15 AM
To: 'Liz.Koerner@co.benton.wa.us' <Liz.Koerner@co.benton.wa.us>
Cc: Kristin Stowe <Kristin.Stowe@ci.kennewick.wa.us>
Subject: FW: VAR 2023-001- Avila- Agency Review

Liz,
I have shared this this with our new Development Review Supervisor Kristin Stowe. Please add her to your email list for future reviews.
Thank you,



Martin Nelson
City of Kennewick
Stormwater and Solid Waste Program Engineer
O: 509.585.4306 | F: 509.585.4451
martin.nelson@ci.kennewick.wa.us

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

From: Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>

Sent: Friday, February 17, 2023 4:54 PM

To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Building Department <Building.Department@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Planning Department <Planning.Department@co.benton.wa.us>; webbbb@bentonpud.org; brooksc@bentonpud.org; eversons@bentonpud.org; glinest@bentonpud.org; Jodeer@bfhd.wa.gov; rebeccaw@bfhd.wa.gov; shawnb@bfhd.wa.gov; lonnie@bentonone.org; Scott LoParco <scott@bentonone.org>; billie@bentonone.org; development@kid.org; Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Joe Seet <Joe.Seet@ci.kennewick.wa.us>; Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>

Subject: VAR 2023-001- Avila- Agency Review

Good Afternoon,

Attached are the application materials for a side and rear setback Variance at 1210 N Sheppard St., Kennewick, WA 99336.

The applicant is requesting a 50% (equal to 5' for both) side and rear setback reduction for a proposed Residential Accessory Building.

Please let us know if you have any comments or conditions by **March 1, 2023**.

Thank You,



Liz Koerner

Associate Planner

Benton County Community Development Department - Planning Division

102206 E. Wiser Parkway

Kennewick, WA 99338

Liz.Koerner@co.benton.wa.us

(509) 786-5612

Elizabeth Koerner

From: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Sent: Tuesday, February 21, 2023 7:35 PM
To: Elizabeth Koerner
Cc: Martin Nelson; Sorin Juster
Subject: [EXTERNAL] RE: VAR 2023-001- Avila- Agency Review

EXTERNAL EMAIL WARNING!!!: This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hi Liz,

Kennewick Planning has no comments or objections to the proposal. I will let our Public Works and Traffic respond separately.

Anthony



Anthony Muai, AICP
Community Planning Director
Community Planning Department
City of Kennewick
O: 509.585.4386 | F: 509.585.4442
anthony.muai@ci.kennewick.wa.us



From: Elizabeth Koerner <Liz.Koerner@co.benton.wa.us>
Sent: Friday, February 17, 2023 4:54 PM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Building Department <Building.Department@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Planning Department <Planning.Department@co.benton.wa.us>; webbbb@bentonpud.org; brooksc@bentonpud.org; eversons@bentonpud.org; glinest@bentonpud.org; Jodeer@bfhd.wa.gov; rebeccaw@bfhd.wa.gov; shawnb@bfhd.wa.gov; lonnie@bentonone.org; Scott LoParco <scott@bentonone.org>; billie@bentonone.org; development@kid.org; Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Joe Seet <Joe.Seet@ci.kennewick.wa.us>; Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>
Subject: VAR 2023-001- Avila- Agency Review

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The applicant is requesting a 50% (equal to 5' for both) side and rear setback reduction for a proposed Residential Accessory Building.

Please let us know if you have any comments or conditions by **March 1, 2023**.

Thank You,



Liz Koerner

Associate Planner

Benton County Community Development Department - Planning Division

102206 E. Wiser Parkway

Kennewick, WA 99338

Liz.Koerner@co.benton.wa.us

(509) 786-5612



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

February 28, 2023

Liz Koerner, Associate Planner
Benton County Community Development Department - Planning Division
PO Box 910
Prosser, WA 99350

Subject: Review Comments for VAR 2023-001- Avila, 1210 N Sheppard St

Dear Ms. Koerner:

The Kennewick Irrigation District has received a Variance request submitted by Felipe Avila, to reduce the setback requirements along the south and east property line to be 5 feet at 1210 N Sheppard St, Kennewick, WA 99336.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries and is considered irrigable lands; therefore, the Kennewick Irrigation District assesses them.
 - a. A KID service connection is available. Contact KID for more information.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all existing irrigation facilities.
 - a. Please be aware that KID has irrigation facilities in the vicinity of this variance and accessory building request. Please refer to the attached map. Facilities appear to be located outside of the impacted area; however, KID would require relocation of the facilities if they will be impacted by the proposed building.

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

Sincerely,

Daniel Tissell, P.E.
Engineering Manager

Enclosure

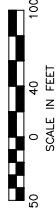
cc: LB\correspondence\File 34-9-29
Applicant via mail – Felipe Avila, 7916 Chehalis Dr, Pasco, WA 99301



LEGEND

- LID BOUNDARIES
- BLOWOFF
- LID PIPES
- KID MAINLINE
- ISOLATION VALVE
- RISER W/1' STUB CUT
- RISER (STUBBED)
- RISER (STUBBED) (MAINLINE)
- RISER TO PIPE DISTANCE
- BACK OF WALK
- FACE OF CURB
- VALVE LOCATED IN ASPHALT
- RTP
- BOW
- FOC
- VLA

SEE SHEET 3



(PARCEL NUMBERS BEGIN WITH 3499-)

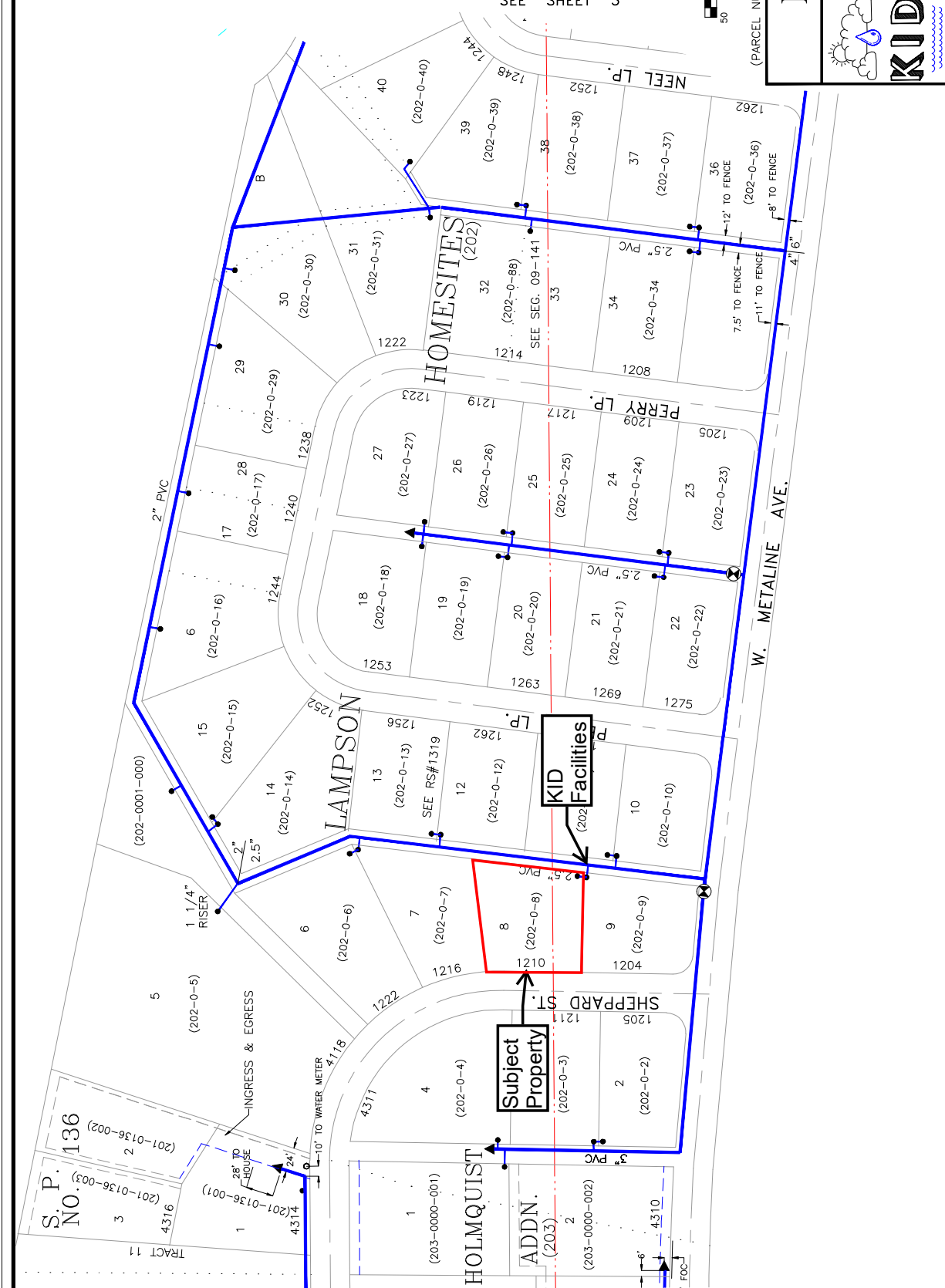
PSA 5



LAMPSON
HOMESITES

DATE: 09/17/97 SCALE: 1:100
DWG. NO.: N:\ENGINEERING\GIS\BASEMAP\T09R29E\349929\5-4
SHEET NO.: 4

APP. BY: S.A.M. DES. BY:



S.P. No. 136
TRACT 11
4316
4314
28' TO HOUSE
24'

Subject Property

KID Facilities

HOLMQUIST
ADDN. (203)
2 (203-0000-002)
FOC-1
6'

W. METALINE AVE.

PERRY LP.

NEEL LP.

LAMPSON HOMESITES (202)

2" PVC

2.5" PVC

1 1/4" RISER

INGRESS & EGRESS

10' TO WATER METER

FOC-1

6'

4" PVC

2 (203-0000-002)

ADDN. (203)

HOLMQUIST

2 (203-0000-002)

FOC-1

6'

4" PVC

2 (203-0000-002)

ADDN. (203)

HOLMQUIST

2 (203-0000-002)

FOC-1

6'

4" PVC

2 (203-0000-002)

ADDN. (203)

HOLMQUIST

2 (203-0000-002)

FOC-1

6'

4" PVC

2 (203-0000-002)

ADDN. (203)

HOLMQUIST

2 (203-0000-002)

FOC-1

6'

Community Development Department
 Prosser Office: 620 Market Street, 1st Floor
 Kennewick Office: 102206 East Wisner Parkway
www.co.benton.wa.us



Planning Division
 (509) 786-5612
 P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

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.

NOTICE IS FURTHER GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications **on March 17, 2023** at 10 a.m. in the Planning Hearing Room, First Floor Courthouse, 620 Market Street, Prosser WA 99350. The hearings will be held in-person and virtually/telephonically via Webex. To find information on attendance & testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>

CONDITIONAL USE PERMIT –CUP 2023-001 - For an outdoor reception facility (event center) with permanently affixed restroom accommodations, and a 125-space parking area. Events held on-site shall not exceed two hundred (200) attendees and will be limited to conditions determined through the Conditional Use Permit process. The project is located in the Finely area, approximately 1 mile east of the intersection of Oak Street and Game Farm Road, across from Santiago County View Estates Mobile Home Park, at site address 201005 E Game Farm Road, Kennewick, WA. The parcel is legal described as Lot 1 of Short Plat 3728 in Section 29, Township 08 North, Range 30 East, W. M., parcel number 129801013728001.

NOTICE IS FURTHER GIVEN that the above proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a Determination of Non-Significance has been issued. Accordingly, an Environmental Impact Statement is not required. This determination was made on February 24, 2023. Any comments regarding the determination and the environmental impacts of the proposal can be made at the hearing before the Hearings Examiner at the time and place indicated above or be made in writing to the Planning Department by 5 p.m. on March 16, 2023.

CONDITIONAL USE PERMIT – CUP 2023-002 The applicant is proposing construction of a detached 500 sq. ft. accessory dwelling unit on a parcel with an existing 4,500 sq. ft. single-family residence and 1,200 sq. ft shop building. The Project address is 42212 E Ridge Crest Loop Benton City, WA 99320.

CONDITIONAL USE PERMIT –CUP 2023-003 The applicant is proposing construction of a detached 640 sq. ft. accessory dwelling unit on a parcel with an existing 3,341 sq. ft. single-family residence. The Project address is 87321 E Calico Rd Kennewick, WA 99338.

VARIANCE PERMIT - VAR 2023-001 The applicant is requesting a variance to reduce the South side and East rear property line setbacks by 5' each in the Urban Growth Area Residential District in Kennewick, Washington for an accessory building. The granting of a variance would

allow the applicant to have a side and rear setback of 5' total from the property lines.

Anyone may participate in the hearings and present testimony or comments on an application. Persons may appear in person or virtually/telephonically during the hearing or provide written testimony to the Hearings Examiner (care of the Planning Division) on or before the date of the hearing. Written comments can be emailed to planning.department@co.benton.wa.us or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick or mailed to: Benton County Community Development Department-Planning Division, ATTN: Hearings Examiner P.O. 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.

If you wish to provide testimony during the hearing (in person or virtually), we ask that you inform the Planning Division before the meeting. You can do that by filling out a Request to Testify form at <https://tinyurl.com/testifyform> or by contacting our office to be added to the list. **You must submit a request for each hearing in which you wish to participate.** We ask that participants who will be attending virtually please limit background noise and/or mute their line to prevent interruptions of the meeting.

If you have questions regarding any of the actions before the Hearings Examiner or the hearing process, please contact the Planning Division at (509) 786-5612, planning.department@co.benton.wa.us, P.O. Box 910 Prosser, WA 99350, 102206 E. Wiser Parkway, Kennewick, WA 99338 or 620 Market Street, First Floor, Prosser, WA 99350.

Dated this 24th day of February 2023.

PUBLICATION DATE: March 1, 2023

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager
Community Development Department