

**EXHIBIT LIST FOR VAR 2023-004**  
**Mark & Della Schaefer**

<b>Hearings Examiner Staff Memo Exhibit List -September 15, 2023 hearing</b>		
HEM 1.1	Staff Memo	September 6, 2023
HEM 1.2	Vicinity map	July 12, 2023
HEM 1.3	Application	July 7, 2023
HEM 1.4	Site Plan	July 7, 2023
HEM 1.5	Written Determination of Completeness	July 12, 2023
HEM 1.6	Agency Review Request	July 12, 2023
HEM 1.7	Comment from Building Dept	July 12, 2023
HEM 1.8	Comment from Fire Marshal	July 12, 2023
HEM 1.9	Comment from Public Works	July 13, 2023
HEM 1.10	Comment from Flood Plain Administrator	August 21, 2023
HEM 1.11	Notice of Open Record Hearings	August 30, 2023
<b>Exhibits Submitted <span style="color: red;">During Hearing</span> or while record remained open</b>		
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, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)

**Planning Division**

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

**STAFF REPORT TO THE  
 BENTON COUNTY HEARINGS EXAMINER  
 Mark and Della Shaefer: Variance to 3.26.080(d)**

**FILE NO:** VAR 2023-004

**MEMO DATE:** September 6, 2023

**HEARING DATE:** September 15, 2023

**APPLICANT/OWNER:** Mark and Della Shaefer: PO Box 5223, Benton City, WA 99320

**LOCATION:** **Address:** 50303 N 94 PR NE, Benton City, WA 99320  
**General Location:** Approximately 0.25 miles south of the intersection of Massingale Road and 94 PR NE in the Benton City area of unincorporated Benton County.  
**Plat:** Short Plat 2736, Lot 2  
**Parcel Number:** 1-0797-101-2736-002

**PROPERTY SIZE:** 5.10 acres

**AREA TO BE USED:** 1,200 sq. ft. accessory building

**LAND USE:** Residential

**COMPREHENSIVE PLAN:** Rural Remote

**ZONING:** Rural Lands Five-Acre District

**RECOMMENDATION:**

Planning Division recommends approval of the application request, subject to the fourteen (14) Findings of Fact and three (3) Conditions of Approval as outlined in this staff report.

**APPLICATION DESCRIPTION:**

The variance request, under BCC 3.26.160-190, is a request to deviate from BCC 3.26.080(d) to allow a 1,200 square foot accessory building to exceed the 400 square foot maximum area allowed for accessory structures to construct utilizing wet-flood proofed standards in Zone A Special Flood Hazard Areas. The applicant is requesting to construct the proposed 1,200 square foot accessory building to the following wet-flood proofed standards per 3.26.080(d) and 3.26.170(g):

1. Anchored to resist flotation, collapse, and lateral movement;
2. Any portion of the structure located below the BFE will be constructed with flood-resistant materials;
3. Mechanical and utility equipment (if any) will be elevated and floodproofed to or above the BFE; and
4. The structure will be floodproofed to protect the structure from hydrostatic pressure by allowing for the automatic entry and exit of floodwaters via engineered flood vents which will have a total net area of 1,200 square inches which will equal one square inch for every square foot of enclosed

area subject to flooding. The bottom of all openings shall be no higher than one foot above grade.

**PUBLIC NOTICE:**

1. The application for VAR 2023-004 was submitted to the Benton County Planning Division on July 07, 2023. (HEM 1.3)
2. The application was declared complete for processing on July 12, 2023. (HEM 1.5)
3. The application documents were distributed to reviewing agencies July 12, 2023. (HEM 1.6)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-004 was published on August 30, 2023, in the Prosser Record Bulletin.
5. Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on August 25, 2023.
6. The Open Record Hearing is scheduled for September 15, 2023. (HEM 1.11)

**APPLICABLE STANDARDS/ORDINANCES:**

1. Benton County Code, Chapter 3.26, FLOOD DAMAGE PREVENTION
  - a. 3.26.030 STATUTORY AUTHORIZATION AND PURPOSE.
    - (a) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:
      - 1) Protect human life and health;
      - 2) Minimize expenditure of public money for costly flood control projects;
      - 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
      - 4) Minimize prolonged business interruptions;
      - 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
      - 6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
      - 7) Notify potential buyers that the property is in a Special Flood Hazard Area;
      - 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
      - 9) Participate in and maintain eligibility for flood insurance and disaster relief.
    - (b) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:
      - 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
      - 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
      - 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
      - 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and

- 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.
- b. 3.26.040 DEFINITIONS. Whenever the words and phrases in this section appear in this chapter, they shall be given the meanings attributed them by this section. When not inconsistent with the context, words used in the present tense shall include the future, singular shall include the plural, and the plural, singular.
- (1) "Accessory Structure" means a subordinate use or building clearly incidental to and located upon the same lot occupied by the main use or building.
  - (5) "Area of Shallow Flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map: the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO characterizes sheet flow and AH indicates ponding.
  - (24) "Floodproofing" means a combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.
  - (30) "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements set forth herein.
  - (39) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
- c. 3.26.070 GENERAL STANDARDS. The following standards are required in all areas of special flood hazards:
- (a) Anchoring.
    - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (b) Construction Materials and Methods.
    - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated to or above the base flood elevation or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. 3.26.080 SPECIFIC STANDARDS - CONSTRUCTION AND DEVELOPMENT. The following provisions are required in all areas of special flood hazards where base flood elevation data has been provided as set forth herein:
- (d) Accessory structures for parking or storage. Notwithstanding subsection (b) above, accessory structures that are 400 square feet or less in size and used solely for parking or storage only need to meet the following criteria in addition to those in BCC 3.26.070:

- (1) The structure must be anchored to resist flotation, collapse, and lateral movement;
  - (2) The portions of the structure located below the BFE must be constructed with flood-resistant materials;
  - (3) Mechanical and utility equipment for the accessory structure must be elevated and floodproofed to or above the BFE;
  - (4) The structure shall not be located or encroach into a floodway; and
  - (5) The structure shall be floodproofed in a manner to protect the structure from hydrostatic pressure by allowing for the entry and exit of floodwaters, including providing a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- e. 3.26.160 VARIANCE PROCEDURE. (a) Except as provided in BCC 3.26.195, the Hearing Examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (b) The Hearing Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the reviewing department in the enforcement or administration of this chapter.
- (c) Decisions of the Hearing Examiner may be appealed to the Superior Court, pursuant to Chapter 36.70C RCW, or as otherwise permitted under Washington State law.
- (d) In reviewing applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
- (1) the danger that materials may be swept onto other lands to the injury of others;
  - (2) the danger of life and property due to flooding or erosion damage;
  - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) the importance of the services provided by the proposed facility to the community;
  - (5) the necessity to the facility of a waterfront location, where applicable;
  - (6) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
  - (7) the compatibility of the proposed use with existing and anticipated development;
  - (8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (e) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1 through 11 in

BCC 3.26.160(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance shall also increase.

(f) Upon consideration of the factors of BCC 3.26.160(d) and the purposes of this chapter, the Hearing Examiner may add reasonable conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) The Planning Department shall maintain the records of appeals to the Hearing Examiner and report variances to the Federal Insurance Administrator, including justification for issuing the variance, upon request.

f. 3.26.170 CONDITIONS FOR VARIANCES. (a) Variances may be issued for the reconstruction, rehabilitation or restoration of historic structures without regard to the requirements of the rest of this section, provided, the Hearings Examiner makes a determination that the proposed repair, reconstruction, rehabilitation or restoration of the historic structure will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:

(1) a showing of good and sufficient cause; and

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

(4) written approval from the Washington State Department of Ecology approving the replacement or reconstruction of any structure within the floodway.

(e) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. Variances primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(f) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except BCC 3.26.160(e), and otherwise complies with BCC 3.26.070.

(g) Variances may be issued for agricultural structures of any size which are not used by the public or for human habitation, or the process, treating or packing of agricultural products and for accessory structures subject to the following:

(i) the structure must be anchored to resist flotation, collapse, and lateral movement;

(ii) the portions of the structure located below the BFE must be constructed with flood-resistant materials;

(iii) mechanical and utility equipment for the accessory structure must be elevated and floodproofed to or above the BFE;

- (iv) the structure shall not be located in or encroach into a floodway;
- (v) the structure shall be floodproofed in a manner to protect the structure from hydrostatic pressure by allowing for the automatic entry and exit of floodwaters, including providing a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- (vi) the structure must be located in an A Zone (A, AE, AH, A1-A30, AR or A99) as reflected in the Flood Insurance Rate Map (FIRM); and
- (vii) compliance with variance criteria in BCC 3.26.170(c) and 3.26.170 (d).

**AGENCY COMMENTS:**

1. The application documents were distributed to the following reviewing agencies on July 12, 2023:
  - a. Benton County Code Enforcement
  - b. Benton County Public Works Department
  - c. Benton County Floodplain Administrator
  - d. Benton County Building Division
  - e. Benton-Franklin Health District
  - f. Benton County Fire District #2
  - g. Benton County Fire Marshal
  - h. Kiona Irrigation District
  - i. Benton PUD
  - j. City of Benton City
  
2. The Benton County Floodplain Administrator provided the following comments dated August 21, 2023:
  - a. The applicant has applied for a Special Flood Hazard Permit (SFHD 2023-008) and is now seeking to vent the proposed shop building structure.
  - b. The base flood elevation for the property is 462.5' and the regulatory flood elevation is 463.5'.
  - c. As proposed, the 1,200 sq ft shop structure must:
    - i. Have at least 1,200 sq inches of flood venting on a minimum of two sides of the structure. The bottom of the openings shall be no higher than one foot above grade;
    - ii. Be anchored to resist floatation, collapse, and lateral movement;
    - iii. Be constructed with flood resistant material for all portions of the structure below the base flood elevation level of 462.5';
    - iv. All electrical and service equipment must be elevated to 462.5' or higher.
  - d. A final elevation certificate is required prior to the final inspection/occupancy of the building.
  - e. Please contact Benton County Floodplain Administrator, Michelle Cooke at 509-786-5612 for more information.
  
3. The Benton County Building Division provided the following comments dated July 12, 2023: (HEM 1.7)
  - a. From the perspective of the Building Division, we have worked through the plan review process and do not find areas of concern. On behalf of the Building Division we have no objection to the variance as long as all Benton County and FEMA Flood criteria are met

and approved through construction and final inspection. This will include not only flood venting but flood resistant construction and mechanical systems (if any) elevated above the Base Flood Elevation. Other unforeseen items may also apply.

b. Please contact Brian Bell with the Building Division at 509-735-3500 for more information.

4. The following are general comments and discussion points provided by the Benton County Planning Division for this application:

- a. The proposed structure is located in Special Flood Hazard Area Zone A8.
- b. The proposed structure is adjacent to but not within a floodway.
- c. The proposed variance is the minimum necessary to afford the property owner relief from the utilization of his property for typical residential accessory uses permitted on the property.
- d. The proposed variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- e. The proposed variance will not pose a danger that materials will be swept to other parcels as this is an area of ponding and the proposed structure is to be anchored.
- f. The proposed variance will not increase the danger of life and property due to flooding or erosion damage.
- g. The proposed structure has a low susceptibility to flood damage as the applicant is proposing a to flood vent a pole building.
- h. Siting the proposed structure elsewhere on the property would not alleviate the potential to flooding.
- i. The proposed structure is compatible with other accessory uses on residential properties in the area.
- j. The proposed wet-floodproofing and venting construction methods would be consistent with other provisions found within the Flood Damage Prevention Ordinance, 3.26.
- g. 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 2023-004 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 3.26.160(d) and 3.26.170.

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:

#### **FINDINGS OF FACT**

## Suggested Findings of Fact:

1. Public notice and application requirements have been completed for the variance request:
  - a. The application for VAR 2023-004 was submitted to the Benton County Planning Division on July 7, 2023.
  - b. The application was declared complete for processing on July 12, 2023.
  - c. The application documents were distributed to reviewing agencies July 12, 2023.
  - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-004 was published on August 30, 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 August 30, 2023.
  - f. An Open Record Hearing is scheduled for September 15, 2023.
2. The applicants/owners are Mark and Della Shaefer: PO Box 5223, Benton City, WA 99320
3. The property address is 50303 N 94 PR NE, Benton City, WA 99320.
4. The Parcel is located approximately 0.25 miles south of the intersection of Massingale Road and 94 PR NE in the Benton City area of unincorporated Benton County.
5. The parcel is approximately 5.10 acres in size.
6. The Comprehensive Plan designation for the property is Rural Remote.
7. The zoning designation for the property is Rural Lands Five Acre District (RL-5).
8. The property is located in Zone A8 of the Special Flood Hazard Area.
9. The proposed variance will not affect property size or increase densities in the zoning district.
10. The accessory building is 1,200 square feet in size with 1,200 square inches of engineered flood venting proposed.
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 3.26.170(g), Conditions for Variances states the following:

(g) Variances may be issued for agricultural structures of any size which are not used by the public or for human habitation, or the process, treating or packing of agricultural products and for accessory structures subject to the following:

- (i) the structure must be anchored to resist flotation, collapse, and lateral movement;
- (ii) the portions of the structure located below the BFE must be constructed with flood-resistant materials;

- (iii) mechanical and utility equipment for the accessory structure must be elevated and floodproofed to or above the BFE;
- (iv) the structure shall not be located in or encroach into a floodway;
- (v) the structure shall be floodproofed in a manner to protect the structure from hydrostatic pressure by allowing for the automatic entry and exit of floodwaters, including providing a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- (vi) the structure must be located in an A Zone (A, AE, AH, A1-A30, AR or A99) as reflected in the Flood Insurance Rate Map (FIRM); and
- (vii) compliance with variance criteria in BCC 3.26.170(c) and 3.26.170 (d).

**Suggested Conditions of Approval:**

1. The approval grants the applicant the ability to deviate from the property development minimum requirements in BCC 3.26.080(d) as follows:
  - a. The structure may be any size provided;
    - i. the structure must be anchored to resist flotation, collapse, and lateral movement;
    - ii. the portions of the structure located below the BFE must be constructed with flood-resistant materials;
    - iii. mechanical and utility equipment for the accessory structure must be elevated and floodproofed to or above the BFE;
    - iv. the structure shall not be located in or encroach into a floodway;
    - v. the structure shall be floodproofed in a manner to protect the structure from hydrostatic pressure by allowing for the automatic entry and exit of floodwaters, including providing a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
    - vi. the structure must be located in an A Zone (A, AE, AH, A1-A30, AR or A99) as reflected in the Flood Insurance Rate Map (FIRM); and
    - vii. compliance with variance criteria in BCC 3.26.170(c) and 3.26.170 (d).
2. The applicant is required to obtain a Benton County Building Permit for the new building.
3. The applicant is required to obtain a Benton County Special Flood Hazard Permit for the new building.

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

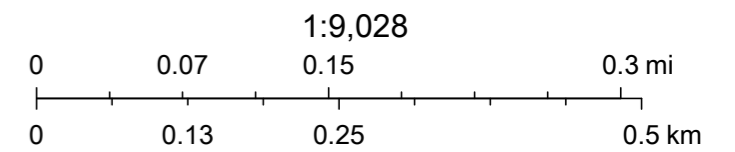
Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.

# VAR 2023-004 Vicinity Map

HEM 1.2



7/12/2023, 1:25:51 PM



Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

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## VARIANCE APPLICATION

### RECEIVED

File No. 2023-004

JUL 07 2023

Benton County  
Planning Division

### APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent:

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Phone: \_\_\_\_\_ Work: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s) (if different): Mark + Della Schaefer

Mailing Address: P.O. Box 5223 City: Benton City

State: WA ZIP: 99320 Phone: 509-948-5240 Work: Same

Email Address: Sunburymant1@msn.com

Signature: Mark A. Schaefer Date: 7-7-2023

Signature: Della K Schaefer Date: 7-7-2023

*\*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: 50303 N 94 PR NE

City: Benton City State: WA ZIP: 99320

2. Parcel number: 1-0797-101-2736-002 Acres: 5

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) \_\_\_\_\_

5. Requested setback variance: N/A ft. from which boundary line?  Front  Rear  Side

6. Describe the requested variance: Setting Building on Current Elevation with driveway + Rest of Property will install Flood vents as Required

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: building on 4 Foot of Fill will Put

Building on a mound higher than house or Rest of Property

b. Are the circumstances above a result from actions of past/present property owner?

Yes  No If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

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

yes, the property next to us slopes upward just above flood zone and just got removed from flood requirements after new survey results

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? yes

As all of property is below 100 year flood level as house had to have variance with extra venting under house

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

it won't impact any property around us, as the property is currently level with rest of private road

13. Additional comments or information: Setting the building on current

grade would make access available from current road & driveway access.

(FOR STAFF USE ONLY)

Access: Y N

Application Complete: Y N

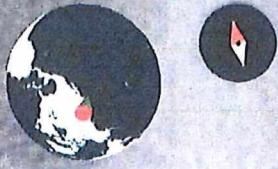
Critical Areas: N Y: \_\_\_\_\_

Zoning: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

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## Community Development Department

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



## Planning Division

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

July 12, 2023

Mark and Della Schaefer  
PO Box 5223  
Benton City, WA 99320

Via email: [Sunburnman1@msn.com](mailto:Sunburnman1@msn.com)

RE: Written Determination of Completeness  
File Number: VAR 2023-004

Dear Applicant,

This office is in receipt of your project permit application for a variance to allow for the installation of flood venting rather than elevating a new 1,200 square foot shop. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (VAR 2023-004) and the review process will now begin.

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. Additional information and/or permits may be required from other agencies including, but not limited to, the Benton County Building Division, the 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 "Andrea Watts".

---

Andrea Watts  
Senior Planner-Planning Division  
Benton County Community Development Dept

## Community Development Department

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
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## Planning Division

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

DATE: July 12, 2023

TO: Benton County Public Works Department  
Benton County Code Enforcement  
Benton County Building Division  
Benton-Franklin Health District  
Benton County Fire District # 2  
Benton County Fire Marshal  
Kiona Irrigation District  
Benton PUD  
City of Benton City

FROM: Benton County Community Development Department  
Planning Division

RE: Variance Request  
File # VAR 2023-004  
Applicant: Mark and Della Schaefer  
Parcel #: 1-0797-101-2736-002

### **VARIANCE REQUEST:**

The applicant is requesting a variance to allow for the installation of flood venting rather than elevating a new 1,200 sq ft detached shop in the designated RL-5 zone.

Attached please find the application materials submitted for your review.

Please submit your comments to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **July 26, 2023**

*Thank you,  
Benton County Planning Division*

## Nikki Relyea

---

**From:** Brian Bell  
**Sent:** Wednesday, July 12, 2023 11:36 AM  
**To:** Planning Department; Cristina Woods; Code Enforcement; Brad O'Brien; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov); Benton Franklin Health District - Rebecca Warrington ; Fire District #2 - R. Duncan; Gary Tiplady; Benton PUD - Tina Glines (glinest@bentonpud.org); Benton PUD - Nancy Lang; Benton City Clerk - Jeni Zuniga; Kiona Irrigation District  
**Subject:** RE: Agency Review for VAR 2023-004 - Schaefer

On behalf of the Building Division we have no objection to the variance as long as all Benton County and FEMA Flood criteria are met and approved through construction and final inspection. This will include not only flood venting but flood resistant construction and mechanical systems (if any) elevated above the Base Flood Elevation. Other unforeseen items may also apply.

J. Brian Bell  
Assistant Manager  
Benton County Building Division  
(509) 735-3500



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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Wednesday, July 12, 2023 9:18 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Fire District #2 - R. Duncan <rduncan@bcfpd2.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton City Clerk - Jeni Zuniga <jzuniga@ci.benton-city.wa.us>; Kiona Irrigation District <kiiid@owt.com>  
**Subject:** Agency Review for VAR 2023-004 - Schaefer

Good morning!

Attached you will find the Variance application and site plan for your review for Mark and Della Schaefer at 50303 N 94 PR NE in Benton City, WA 99320. They are requesting a variance to allow for the installation of flood venting, rather than elevating a new 1,200 ft shop.

If you have comments on the application please do so by **July 26, 2023**.

Thank you,



**HEM 1.8**

**Fire Marshal Comments:**

**7/12/2023**

**Nikki,**

**From the perspective of the Fire Marshal, I have no comments at this time.**

**If you have questions on these requirements, please, feel free to contact the  
County Fire Marshal at (509) 735-3500. Ext 2411.**

**Re: VAR 2023-004**

**Gary Tiplady  
Benton County Fire Marshal**

**Nikki Relyea**

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**From:** Cristina Woods  
**Sent:** Thursday, July 13, 2023 3:43 PM  
**To:** Planning Department  
**Subject:** RE: Agency Review for VAR 2023-004 - Schaefer

Good afternoon

Public Works has no comments.

Thank you



**Cristina Woods, MS, PE** • *Civil Engineer I*  
Benton County Public Works  
102206 Wisser Parkway , Kennewick WA, 99338  
[cristina.woods@co.benton.wa.us](mailto:cristina.woods@co.benton.wa.us)  
(509) 786-5611

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Wednesday, July 12, 2023 9:18 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Code Enforcement <code.enforcement@co.benton.wa.us>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Fire District #2 - R. Duncan <rduncan@bcfpd2.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton City Clerk - Jeni Zuniga <jzuniga@ci.benton-city.wa.us>; Kiona Irrigation District <kiid@owt.com>  
**Subject:** Agency Review for VAR 2023-004 - Schaefer

Good morning!

Attached you will find the Variance application and site plan for your review for Mark and Della Schaefer at 50303 N 94 PR NE in Benton City, WA 99320. They are requesting a variance to allow for the installation of flood venting, rather than elevating a new 1,200 ft shop.

If you have comments on the application please do so by **July 26, 2023.**

Thank you,

**Nikki Relyea**

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**From:** Michelle Cooke  
**Sent:** Monday, August 21, 2023 11:48 AM  
**To:** Planning Department  
**Cc:** Nikki Relyea  
**Subject:** RE: VAR 2023-004 Schaefer Documents

The applicant has applied for a Special Flood Hazard Permit (SFHD 2023-008) and is now seeking to vent the proposed shop building structure.

The base flood elevation for the property is 462.5' and the regulatory flood elevation is 463.5'.

As proposed, the 1,200 sq ft shop structure must:

- Have at least 1,200 sq inches of flood venting on a minimum of two sides of the structure. The bottom of the openings shall be no higher than one foot above grade;
- Be anchored to resist floatation, collapse, and lateral movement;
- Be constructed with flood resistant material for all portions of the structure below the base flood elevation level of 462.5';
- All electrical and service equipment must be elevated to 462.5' or higher.

A final elevation certificate is required prior to the final inspection/occupancy of the building.

Please contact Benton County Floodplain Administrator, Michelle Cooke at 509-786-5612 for more information.



**Michelle Cooke** • *Planning Manager*

**Benton County Community Development Department - Planning Division**

Benton County Courthouse, 620 Market Street, Prosser, WA 99350

Benton County Public Services Office, 102206 E Wiser Parkway, Kennewick, WA 99338

[Michelle.Cooke@co.benton.wa.us](mailto:Michelle.Cooke@co.benton.wa.us)

(509) 786-5612

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**From:** Nikki Relyea <Nikki.Relyea@co.benton.wa.us>  
**Sent:** Thursday, August 3, 2023 4:58 PM  
**To:** Michelle Cooke <Michelle.Cooke@co.benton.wa.us>  
**Subject:** VAR 2023-004 Schaefer Documents

Here's the information we have on the Flood Variance for the Schaefer's for you to review. This is on the Hearings Examiner docket for September.

The request for variance to allow for the installation of flood venting rather than elevating a new 1,200 sq ft detached shop in RL-5.

**Community Development Department**  
 Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wisner Parkway  
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## 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 September 15, 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>.

**VARIANCE PERMIT – VAR 2023-004** The applicants Mark and Della Schaefer are proposing to install flood venting rather than elevating a new 1,200 sq ft shop at 50303 N 94 PR NE, Benton City, WA 99320. Parcel #1-0797-101-2736-002.

**CONDITIONAL USE PERMIT – CUP-2023-011** The applicant Shaw Vineyards is proposing to provide agri-tourism accommodations associated with an existing vineyard in the Red Mountain Agricultural Zoning District. They propose the development of 5 recreational vehicle pads/sites with power and water to be constructed at 60195 N Demoss Rd, Benton City, WA 99320. Parcel #1-3207-400-0000-000.

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](mailto:planning.department@co.benton.wa.us) or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wisner 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](mailto:Planning.department@co.benton.wa.us), P.O. Box 910 Prosser, WA 99350, 102206 E. Wisner Parkway, Kennewick, WA 99338 or 620 Market Street, First Floor, Prosser, WA 99350.

Dated this 25<sup>th</sup> day of August 2023.

PUBLICATION DATE: August 30, 2023

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager  
Community Development Department