

EXHIBIT LIST - VAR 2023-005 - Ryan Hone

Hearings Examiner Staff Memo Exhibit List -October 20, 2023 hearing		
HEM 1.1	Staff Memo	September 20, 2023
HEM 1.2	Vicinity map	August 17, 2023
HEM 1.3	Application	August 17, 2023
HEM 1.4	Site Plan	August 17, 2023
HEM 1.5	Written Determination of Completeness	August 22, 2023
HEM 1.6	Agency review request	August 22, 2023
HEM 1.7	Comment from Benton County Public Works	August 22, 2023
HEM 1.8	Comment from Benton County Building Division	August 23, 2023
HEM 1.9	Comment from Benton County Flood Administrator	September 7, 2023
HEM 1.10	Notice of Open Record Hearings	October 4, 2023
Exhibits Submitted During Hearing or while record remained open		
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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
planning.department@co.benton.wa.us
102206 E Wiser Parkway, Kennewick, WA 99338

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Ryan Hone: Variance to 3.26.080(d)**

HEM 1.1

FILE NO: VAR 2023-005

MEMO DATE: September 20, 2023

HEARING DATE: October 20, 2023

APPLICANT/OWNER: Ryan Hone: 113520 N Harrington PR NE, West Richland, WA 99353

LOCATION: **Address:** 113520 N Harrington PR NE, West Richland, WA 99353
General Location: Approximately 338 feet west from the intersection of Harrington PR NE and 302 PR NE.
Plat: Short Plat 2831, Lot 2
Parcel Number: 1-0407-401-2831-002

PROPERTY SIZE: 2.50 acres

AREA TO BE USED: 2,400 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 2,400 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 a variance for an already constructed 2,400 square foot accessory building that was found to be below the required elevation level, they would like an allowance to add 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 2,400 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 2023-005 was submitted to the Benton County Planning Division on August 17, 2023. (HEM 1.3)
2. The application was declared complete for processing on August 22, 2023. (HEM 1.5)
3. The application documents were distributed to reviewing agencies August 22, 2023. (HEM 1.6)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-005 was published on October 4, 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 September 29, 2023.
6. The Open Record Hearing is scheduled for October 20, 2023. (HEM 1.10)

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.
- (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 August 22, 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 #4
 - g. Benton County Fire Marshal
 - h. Kiona Irrigation District
 - i. Benton REA

2. The Benton County Floodplain Administrator provided the following comments dated September 07, 2023:
 - a. The applicant has applied for a Special Flood Hazard Permit (SFHD 2023-005) and is now seeking to vent the proposed shop building structure.
 - b. The base flood elevation for the property is 425.6' and the regulatory flood elevation is 426.6'.
 - c. As proposed, the 2,400 sq ft shop structure must:
 - i. Have at least 2,400 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 425.6';
 - iv. All electrical and service equipment must be elevated to 426.6' or higher.
 - d. An updated final elevation certificate reflecting the addition of vents 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 August 23, 2023: **(HEM 1.8)**
 - a. As long as the Floodplain Administrator find the proposed pathway acceptable the Building Division would have no concerns other than meeting all basic requirements mandated by FEMA.

- 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 A.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. The proposed variance will not increase the danger of life and property due to flooding or erosion damage.
 - f. The proposed structure has a low susceptibility to flood damage as the applicant is proposing a to flood vent a pole building.
 - g. Siting the proposed structure elsewhere on the property would not alleviate the potential to flooding.
 - h. The proposed structure is compatible with other accessory uses on residential properties in the area.
 - i. 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 2023-005 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 2023-005 was submitted to the Benton County Planning Division on August 17, 2023.
 - b. The application was declared complete for processing on August 22, 2023.
 - c. The application documents were distributed to reviewing agencies August 22, 2023.
 - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-005 was published on October 4, 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 September 29, 2023.
 - f. An Open Record Hearing is scheduled for October 20, 2023.
2. The applicant/owner is: Ryan Hone; 113520 N Harrington PR NE West Richland, WA 99353.
 3. The property address is 113520 N Harrington PR NE, West Richland, WA 99353.
 4. The Parcel is located approximately 338 feet west from the intersection of Harrington PR NE and 302 PR NE.
 5. The parcel is approximately 2.50 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 A 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 2,400 square feet in size with 2,400 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.

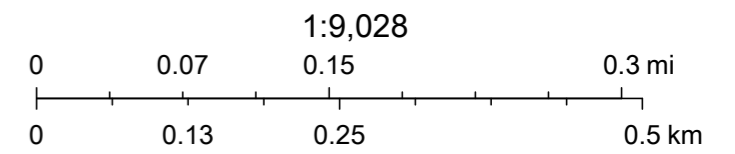
Any conditions imposed by the Hearings Examiner shall be completed prior to the Planning Division issuing the variance. The applicant shall notify the Benton County Planning Division in writing when the conditions set forth herein have been completed. The Planning Division shall not issue the variance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



8/17/2023, 1:34:36 PM



Geophex Surveys Ltd., Maxar

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

VARIANCE APPLICATION

File No. APR 2023-015

RECEIVED

AUG 17 2023

Benton County
Planning Division

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent: Ryan Hone
Mailing Address: 113520 N. Harrington Rd City: West Richland
State: WA ZIP: 99353 Phone: 509-554-2337 Work: _____
Email Address: seven3charlie@yahoo.com
Signature: [Signature] Date: 8/16/23

Property Owner(s) (if different): same
Mailing Address: _____ City: _____
State: _____ ZIP: _____ Phone: _____ Work: _____
Email Address: _____
Signature: _____ Date: _____
Signature: _____ Date: _____

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

Land Surveyor: Rogers
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: 113520 N. Harrington Rd
City: West Richland State: WA ZIP: 99353

2. Parcel number: 1-0407-401-2831-002 Acres: 2.5

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: _____ ft. from which boundary line? Front Rear Side

6. Describe the requested variance: Shop is 8" too low - Required height is 1 foot above base Flood elevation. Requesting that Shop be allowed at current Finished elevation with Flood Vents.

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: _____

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

Yes No If yes, please explain: N/A

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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 - There was a construction error and the pad was graded too low.

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?

It is the only way to be in compliance without demo of the building

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

The shop is so far from any other structures as well as far from what would be a flood area, that there is no detriment from the location of the shop if there were a flood

13. Additional comments or information:

This was a simple construction mistake. The elevation was surveyed prior to construction. Somehow when the build site was graded, there was a miscommunication about what the proper finished elevation was.

(FOR STAFF USE ONLY)

Access: Y N

Application Complete: Y N

Critical Areas: N Y Flood zone

Zoning: RL-5

Reviewed by: AW

Date: 8/19/23

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HEM 1.5

August 22, 2023

Ryan Hone
113520 N Harrington PR NE
West Richland, WA 99353

RE: Written Determination of Completeness
File Number: VAR 2023-005

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 an accessory structure (shop). We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (VAR 2023-005) 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
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

HEM 1.6

DATE: August 22, 2023

TO: Benton County Public Works Department
Benton County Code Enforcement
Benton County Building Division
Benton-Franklin Health District
Benton County Fire District # 4
Benton County Fire Marshal
Benton REA
Benton County Floodplain Administrator

FROM: Benton County Community Development Department
Planning Division

RE: Variance Request
File # VAR 2023-005
Applicant: Ryan Hone
Parcel #: 1-0407-401-2831-002

VARIANCE REQUEST:

The applicant is requesting a variance to allow for the installation of flood venting rather than elevating the accessory structure (shop) as it has already been constructed and is 8 inches short of the 1 foot regulatory flood elevation.

Attached please find the application materials submitted for your review.

Please submit your comments to planning.department@co.benton.wa.us by **September 6, 2023**

*Thank you,
Benton County Planning Division*

Nikki Relyea

From: Cristina Woods
Sent: Tuesday, August 22, 2023 4:02 PM
To: Planning Department
Subject: RE: VAR 2023-005 Hone Flood Variance Agency Review Request

HEM 1.7

Good afternoon

Public Works has no comments.

Thank you



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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Tuesday, August 22, 2023 3:17 PM
Subject: VAR 2023-005 Hone Flood Variance Agency Review Request

Good afternoon,

Attached is an application requesting a variance to allow for the installation of flood venting rather than elevating the accessory structure (shop) as it has already been constructed and is 8 inches short of the 1 foot regulatory flood elevation.

Please review the application materials and provide any comments by **September 6th, 2023**.

Regards,

Nikki Relyea

From: Brian Bell
Sent: Wednesday, August 23, 2023 12:05 PM
To: Planning Department
Subject: RE: VAR 2023-005 Hone Flood Variance Agency Review Request

HEM 1.8

As long as the Floodplain Administrator finds the proposed pathway acceptable the Building Division would have no concerns other than meeting all basic requirements mandated by FEMA.

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



From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Tuesday, August 22, 2023 3:17 PM
Subject: VAR 2023-005 Hone Flood Variance Agency Review Request

Good afternoon,

Attached is an application requesting a variance to allow for the installation of flood venting rather than elevating the accessory structure (shop) as it has already been constructed and is 8 inches short of the 1 foot regulatory flood elevation.

Please review the application materials and provide any comments by **September 6th, 2023**.

Regards,

Nikki Relyea

HEM 1.9

From: Michelle Cooke
Sent: Thursday, September 7, 2023 10:14 AM
To: Planning Department
Subject: RE: VAR 2023-005 Hone Flood Variance Agency Review Request

The applicant has applied for a Special Flood Hazard Permit (SFHD 2023-005) and is now seeking to vent the proposed shop building structure.

The base flood elevation for the property is 425.6' and the regulatory flood elevation is 426.6'.

As proposed, the 2,400 sq ft shop structure must:

- Have at least 2,400 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 425.6';
- All electrical and service equipment must be elevated to 425.6' or higher.

An updated final elevation certificate reflecting the addition of vents 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

(509) 786-5612

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

From: Planning Department <Planning.Department@co.benton.wa.us>

Sent: Tuesday, August 22, 2023 3:17 PM

Subject: VAR 2023-005 Hone Flood Variance Agency Review Request

Good afternoon,

Attached is an application requesting a variance to allow for the installation of flood venting rather than elevating the accessory structure (shop) as it has already been constructed and is 8 inches short of the 1 foot regulatory flood elevation.

Please review the application materials and provide any comments by **September 6th, 2023**.

Regards,



HEM 1.10

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 October 20, 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 2023-005 The applicant Ryan Hone is proposing to install flood venting rather than elevating an accessory structure (shop) as it has already been constructed at 113520 N Harrington Rd, West Richland, WA 99353 and is 8 inches short of the 1 foot regulatory flood elevation. Parcel# 1-0407-401-2831-002.

CONDITIONAL USE PERMIT – CUP-2023-012 The applicant Gravis Law (Joshua Bam) on behalf of Miguel's Venue is proposing to utilize a portion of the 5-acre residential property for a reception facility at 201005 E Game Farm Rd, Kennewick, WA 99337. There are proposed to be up to 12 events a month with a maximum of 150 attendees. Parcel # 1-2980-101-3728-001.

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, dropped off or mailed to the Planning Division office at the Public Services Building 102206 E. Wiser Parkway, Kennewick. 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 during 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, 102206 E. Wiser Parkway, Kennewick, WA 99338.

Dated this 29th day of September 2023.

PUBLICATION DATE: October 4, 2023

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department