

EXHIBIT LIST FOR VAR 2023-007
John Sawyers

| Hearings Examiner Staff Memo Exhibit List - December 15, 2023 hearing | | |
|---|---|-------------------|
| HEM 1.1 | Staff Memo | November 30, 2023 |
| HEM 1.2 | Vicinity map | November 6, 2023 |
| HEM 1.3 | Application | November 3, 2023 |
| HEM 1.4 | Site Plan | November 3, 2023 |
| HEM 1.5 | Written Determination of Completeness | November 6, 2023 |
| HEM 1.6 | Agency review request | November 6, 2023 |
| HEM 1.7 | Comment from Columbia Irrigation District | November 6, 2023 |
| HEM 1.8 | Comment from Benton County Fire Marshal | November 7, 2023 |
| HEM 1.9 | Comment from Public Works | November 22, 2023 |
| HEM 1.10 | Comment from Tracy Daines | November 27, 2023 |
| HEM 1.11 | Short Plat #0046 | November 28, 2023 |
| HEM 1.12 | Notice of Open Record Hearings | November 29, 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 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
 John Sawyers: Variance**

FILE NO: VAR 2023-007

HEARING DATE: December 15, 2023

APPLICANT/OWNER: John Sawyers, 937 View Dr, Richland, WA 99352

LOCATION: General Location: Approximately 0.17 miles southeast of the intersection of Valley View Rd and View Dr.
Abbreviated Legal: Short Plat # 46, Lot 1
Parcel Number: 1-2298-201-0046-001

PROPERTY SIZE: Approximately 0.63 acres

AREA TO BE USED: The applicant is seeking a variance to encroach 20 feet into the required 25-foot setback from the property line bordering a private access easement.

LAND USE: Residential

ZONING: Rural Lands One Acre District (RL-1)

COMPREHENSIVE PLAN DESIGNATION: Rural Transition

RECOMMENDATION:

Planning Division recommends approval of the application request, subject to the fourteen (14) Findings of Fact and two (2) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is requesting a variance from the setback requirements in BCC 11.09.090(a)(1) regarding the setback distance from the any legally established boundary line of a private access easement. The applicant is proposing to construct a 26x20-foot accessory structure for residential storage and the proposed variance would allow the accessory structure to encroach twenty (20) feet into the required twenty-five (25) foot setback resulting in a total setback of five (5) feet from the northwest property line.

The irregular shape of the lot, in combination with the proximity of two private access easements,

the placement of the septic system lines, and the presence of mapped floodway on the parcel limit the available locations to construct the accessory structure. The Planning Division would like to make note that a portion of the access easement along the northwest property line as shown on short plat 46 (HEM 1.11) was previously vacated from the applicant's parcel (1-2298-201-0046-001), leaving only a portion of the access easement on the neighboring parcel (1-2298-202-0006-001) owned by Tracy Daines whom has provided a written note of support for the proposal to the Planning Division. (HEM 1.10)

PUBLIC NOTICE:

1. The application for VAR 2023-007 was submitted to the Benton County Planning Division on November 3, 2023. (HEM 1.3)
2. The application was declared complete for processing on November 6, 2023. (HEM 1.5)
3. The application documents were distributed to reviewing agencies November 6, 2023. (HEM 1.6)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-007 was published on November 29, 2023 in the Prosser Record Bulletin. (HEM 1.12)
5. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on November 22, 2023.
6. The Open Record Hearing is scheduled for December 15, 2023.

APPLICABLE STANDARDS/ORDINANCES:

1. Benton County Code, Chapter 11.09, Rural Lands One Acre District.
11.09.010 PURPOSE. The purpose of the Rural Lands One Acre District (RL-1) is to provide for the appropriate development within areas where past actions have created smaller parcel sizes than generally allowed in the Rural Lands Five Acre District (RL-5) or that are adjacent to Urban Growth Areas (UGAs) given that these areas are considered limited areas of more intensive rural development as allowed under RCW 36.70A.070.

11.09.040 ACCESSORY USES. Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Rural Lands One Acre District (RL-1) on a single parcel of record:

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

11.09.090 PROPERTY DEVELOPMENT STANDARDS - SETBACK REQUIREMENTS. All lands, structures, and uses in the Rural Lands One Acre District (RL-1) 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:

- (1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of fifty-five (55) feet from the centerline of any public road right-of-way or twenty five (25) feet from the property line bordering any public road right-of-way, whichever is greater; and a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

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 November 06, 2023:
 - a. Benton County Public Works Department
 - b. Benton County Building Division
 - c. Benton County Code Enforcement
 - d. Benton-Franklin Health District
 - e. Benton County Fire District #1
 - f. Benton County Fire Marshal
 - g. Benton REA
 - h. City of Richland
 - i. Columbia Irrigation District
2. 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 twenty (20) foot variance to the required twenty-five (25) foot setback from a private access easement would allow the applicant the ability to construct an accessory building along the property's northwest side.
 - d. The total setback distance from the east property line will be 5 feet.
 - e. The variance request is due to the irregular shape of the lot in combination with the proximity of two private access easements, the placement of the septic system lines, and the presence of mapped floodway on the parcel limit the available locations to construct the accessory structure.
 - f. A portion of the access easement shown on short plat 46 was previously vacated from the subject parcel in 1997 via a short plat vacation (Resolution 97-155 filed under Auditor File number 97-5824.)

- g. A small portion of the access easement remains on the neighboring parcel along the northwest property line.
- h. 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 2023-007 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 2023-007 was submitted to the Benton County Planning Division on November 3, 2023.
 - b. The application was declared complete for processing on November 6, 2023.
 - c. The application documents were distributed to reviewing agencies November 6, 2023.
 - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2023-007 was published on November 29, 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 November 22, 2023.
 - f. The Open Record Hearing is scheduled for December 15, 2023.
2. The applicant/owner is John Sawyers, 937 View Dr, Richland, WA 99352.
3. The property address is 937 View Dr, Richland, WA 99352.

4. The property is located approximately 0.17 miles southeast of the intersection of Valley View Rd and View Dr.
5. The parcel is approximately 0.63 acres in size.
6. The Comprehensive Plan designation for the property and neighboring parcels is Rural Transition.
7. The zoning designation for the property and adjacent parcels is Rural Lands One Acre District.
8. An accessory building (garage) is an accessory use in the Rural Lands One Acre District.
9. The proposed accessory building is to be 26' x 20' feet in size.
10. The proposed variance will not affect property size or increase densities in the zoning district.
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 11.09.090(a)(1) as follows:

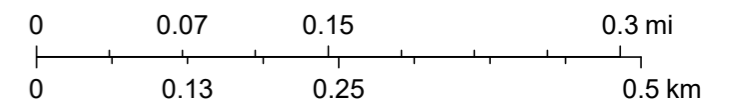
The accessory building may be sited no greater than twenty (20) feet into the twenty-five (25) foot setback from the closest edge of any legally established boundary line of a private access easement. The twenty (20) foot encroachment would result in a total setback of five (5) feet, from the northwest property line. The encroachment of the building has been specified on the submitted site plan.

2. The applicant is required to obtain and maintain a Benton County Building Permit for the new accessory building.



11/6/2023, 9:56:22 AM

1:9,028



Geopex Surveys Ltd., Maxar



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
Planning.department@co.benton.wa.us
102206 E Wisner Parkway, Kennewick, WA 99338

VARIANCE APPLICATION

File No. VAR 2023-007

RECEIVED

NOV 03 2023

Benton County
Planning Division

APPLICANT INFORMATION: Please check the appropriate box to indicate the primary contact for this application.

Applicant/Agent:

Name(s): John P. Sawyers
Mailing Address: 937 View Drive City: Richland State: Wa ZIP: 99351
Phone #(s): 509-366-6217 Email: JohnP.Sawyers@outlook.com
Signature: [Handwritten Signature] Date: 11-3-23

Property Owner (if different from above):

Name(s): _____
Mailing Address: _____ City: _____ State: _____ ZIP: _____
Phone #(s): _____ Email: _____
Signature: _____ Date: _____
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 #(s): _____ Email: _____

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.

PARCEL INFORMATION

1. Subject property address: 937 View Drive City: Richland, Wa.

2. Parcel number: _____ Acreage: .63

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

4. Utilities: Power: Benton PUD Benton REA City of Richland

Sewer: Septic Tank City Sewer: (Provider) _____

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

Private System (Provider & Address) _____

City System (Provider) _____

Gas: No Yes: (Provider) _____

Irrigation: No Private District: (Provider) _____

5. Requested setback variance: 20 ft. from the Front Rear Side boundary line North West

6. Describe the request and reason for the Variance:
Build a Shop 5' from side property line

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

9. What are the circumstances (lot size/shape, topography, structure size) that prevent compliance with required setbacks?
lot shape and size, easements, Floodway, Septic and Drain Field location

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

Yes No If yes, please explain:

11. Are the circumstances creating the need for a variance/deviation unique to your property or is it experienced by other properties in the area?

yes.

12. Please describe why a variance is your only option to solve the problem.

No other Buildable areas

13. Are there other reasonable ways to accomplish your project that would not require a variance?

No

14. Will granting this variance be materially detrimental to the public health, safety, or welfare of the surrounding properties or improvements in the vicinity? Why or why not?

No. It would not cause any issues with Future Development

15. Additional comments or information:

(FOR STAFF USE ONLY)

Access: Y N

Application Complete: Y N

Critical Areas: N Y: _____

Zoning: _____

Reviewed by: _____

Date: _____

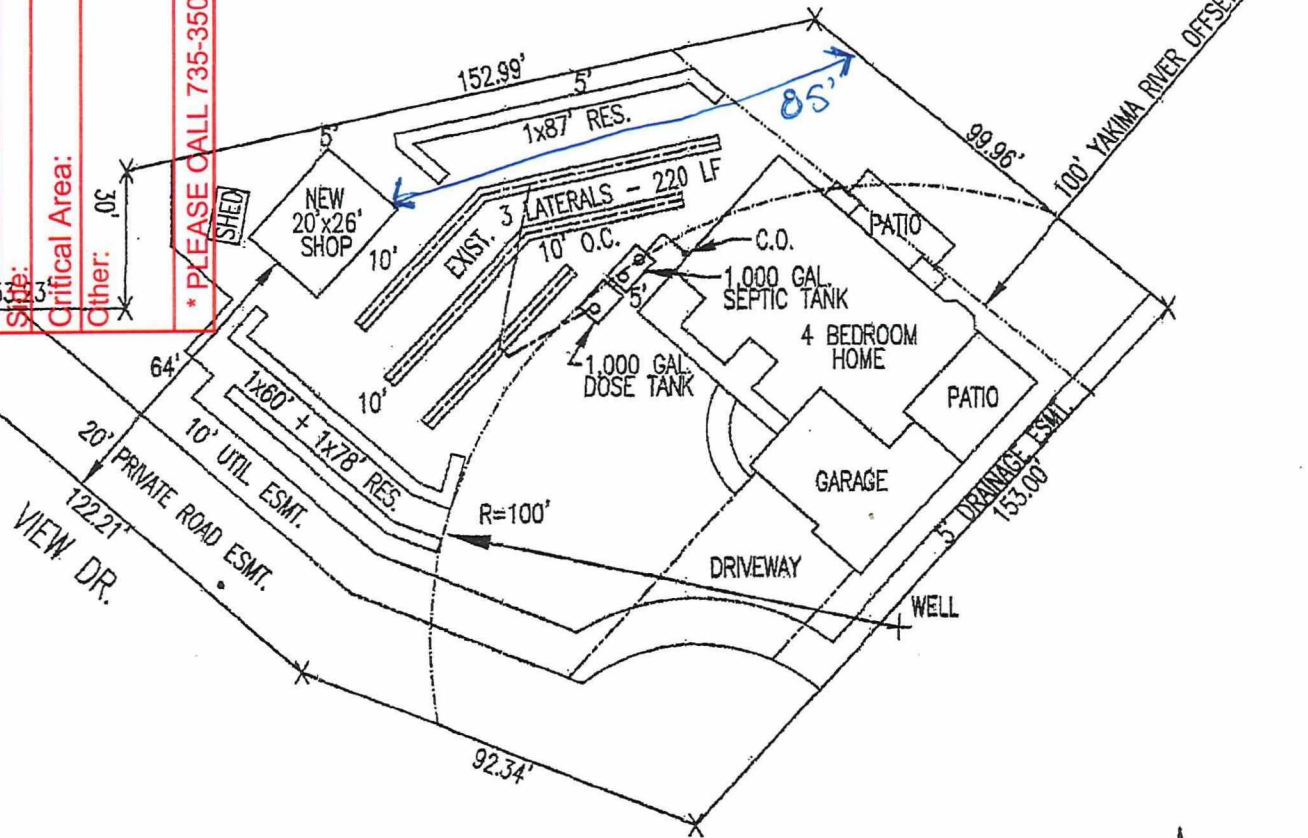
NOV 03 2023

Benton County Planning Division

07/14/2023

| |
|-------------------------------|
| NAME: SAWYERS |
| Structure Type: RG |
| Application #: 37920 |
| Parcel #: 1-2298-201-0046-001 |
| Zone: |
| Required Setbacks* |
| Front: |
| Rear: |
| Side: |
| Site: |
| Critical Area: |
| Flood: |
| Other: 0.0' |

* PLEASE CALL 735-3500 IF QUESTIONS*



NOTES:

1. DRAINFIELD MUST BE 10' FROM ALL TREES, BUILDING FOUNDATIONS & DRIVEWAYS.
2. ALL SEPTIC COMPONENT TO BE MIN. OF 50' FROM ALL WELLS, DRAINFIELD MIN. OF 100'.
3. SYSTEM TO COMPLY WITH BFHD RULES & REGULATIONS NO. 2.
4. REPLACE CONTROL PANEL, FLOATS.
5. TEST PUMP FOR ADEQUACY, REPLACE IF NEC.



Know what's below.
Call before you dig.
48 HOURS
NOTICE REQUIRED

STP LAYOUT

SHEET

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

November 06, 2023

John Sawyers
937 View Drive
Richland, WA 99352

Email: DSawyers@outlook.com

RE: Written Determination of Completeness
File Number: VAR 2023-007

Dear Mr. Sawyers,

This office is in receipt of your project permit application for a variance to encroach 20 feet into the required 25-foot side (northeast) parcel setback for accessory structures bordering access easements in the Rural Lands One Acre zoning district. We have determined that the required materials have been submitted and the application is complete. File number VAR 2023-007 has been assigned and the review process will now begin.

During the review and comment period, more clarification or information may be needed from you. If additional information is required, it will need to be submitted to our office before we can make a final determination

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz Koerner".

Liz Koerner - Associate Planner
Benton County Community Development Department
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
Planning.department@co.benton.wa.us
102206 E Wiser Parkway, Kennewick, WA 99338

DATE: November 6, 2023

TO: Benton County Public Works Department
Benton County Code Enforcement
Benton County Building Division
Benton-Franklin Health District
Benton County Fire District # 1
Benton County Fire Marshal
City of Richland
Columbia Irrigation District
Benton REA

FROM: Benton County Community Development Department
Planning Division

RE: Variance Request
File # VAR 2023-007
Applicant: John Sawyers
Parcel #: 1-2298-201-0046-001

VARIANCE REQUEST:

The applicant is proposing to construct a 20' x 26' shop within the Rural Lands One Acre zoning district (1) and is requesting a variance to reduce the required 25-foot setback from the side (north) property line by 20 feet.

RL1 setbacks require all accessory buildings have a setback of 25 feet from the edge of any access easements. The granting of this variance would allow the proposed shop dwelling to have a setback of 5 feet from the property line.

Attached please find the application materials submitted for your review.

Please submit your comments to planning.department@co.benton.wa.us by **November 20, 2023**

*Thank you,
Benton County Planning Division*

Nikki Relyea

From: CID <cid@columbiairrigation.com>
Sent: Monday, November 6, 2023 3:56 PM
To: Planning Department
Subject: [EXTERNAL] RE: Agency Review VAR 2023-007 - John Sawyers with attachments

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 Nikki,

CID has no comments as this is outside of our District Boundaries.

Thanks!



Morghan Leetch

Administrative Assistant

Phone: 509-586-6118 **Fax:** 509-586-0485

Web: ColumbiaIrrigation.com

10 E. Kennewick Ave, Kennewick WA 99337

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, November 6, 2023 3:22 PM
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>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Lonnie@bentonone.org; Fire District # 1 - Scott <scott@bentonone.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; City of Richland - Stevens, Mike <mstevens@ci.richland.wa.us>; CID <cid@columbiairrigation.com>; Benton REA - Derek Miller <dmliller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>
Subject: RE: Agency Review VAR 2023-007 - John Sawyers with attachments

Apologies to all,

The attachments did not upload. Please see the attached application materials.

Thank you



HEM 1.8

Fire Marshal Comments:

Date: November 7, 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 2023-007, Sawyers

**Gary Tiplady
Benton County Fire Marshal
Building Inspector II
509-735-3500
Gary.Tiplady@co.benton.wa.us**

Nikki Relyea

From: Cristina Woods
Sent: Wednesday, November 22, 2023 8:36 AM
To: Planning Department
Subject: RE: Agency Review VAR 2023-007 - John Sawyers with attachments

Good morning

Sorry for the delayed response.
Luckily PW has no comments 😊

Thank you



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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Monday, November 6, 2023 3:22 PM
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>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; lonnie@bentonone.org; Fire District # 1 - Scott <scott@bentonone.org>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; City of Richland - Stevens, Mike <mstevens@ci.richland.wa.us>; Columbia Irrigation District <cid@columbiairrigation.com>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>
Subject: RE: Agency Review VAR 2023-007 - John Sawyers with attachments

Apologies to all,

The attachments did not upload. Please see the attached application materials.

Thank you

Elizabeth Koerner

From: Frontier Inc. <mdthd@frontier.com>
Sent: Monday, November 27, 2023 8:36 AM
To: Elizabeth Koerner
Subject: [EXTERNAL] John Sawyer's variance

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Just to let you know that I do support Mr. Sawyer's variance request. Thank you for helping.

RESTRICTIVE COVENANTS

1. No Walls to be located within a 100 foot radius of the Well situated in Lot 2 as shown hereon.
2. No cesspools, sewers, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pig pens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides, or insecticides to be located within a 100 foot radius of the Well situated in Lot 2 as shown hereon.

SHORT PLAT NO. 46
 FOR J.L. WATTS IN THE
 SE. 1/4 OF THE NE. 1/4 OF
 SEC. 22, T. 9 N., R. 28 E., W.M.,
 BENTON COUNTY, WASHINGTON

DESCRIPTION HEM 1.11

A parcel of land situated in the NE. 1/4, SE. 1/4, NE. 1/4, Section 22, T. 9 N., R. 28 E., W.M., Benton County, Washington, being that portion of Lot 8, Block 6, Badger Heights Subdivision as recorded in Vol. 5 of Plats, page 11, records of Benton County, Wash. lying N'ly of the N'ly right-of-way line of the Columbia Irrigation District canal; ALSO that portion of Lot 7, Block 6, Badger Heights Subdivision recorded under Auditor's File Nos. 646193 and 646194, records of Benton County, Washington. AND ALSO that portion of Lot 1, Block 6, said Badger Heights Subdivision recorded under Auditor's File Nos. 636586 and 645942, records of Benton County, Washington: said parcel being more particularly described as follows: Beginning at the Northwest corner of said Lot 8, being the True Point of Beginning; Thence N. 77° 42' 49" E. a distance of 152.99 feet to a point on the Corps of Engineers Taking Line; Thence S. 50° 18' 23" E. along said Taking Line a distance of 233.37 feet to Corps of Engineers monument "T-2", 1955; Thence S. 00° 20' 19" W. along said Taking Line a distance of 218.21 feet to Corps of Engineers monument "T-3", 1955; Thence S. 89° 48' 44" W. a distance of 53.54 feet to a point on the N'ly right-of-way line of said Columbia Irrigation District canal; Thence N. 73° 26' 48" W. along said N'ly line a distance of 72.33 feet; Thence N. 71° 26' 18" W. along said N'ly line a distance of 218.25 feet to a point on the West line of said Lot 8; Thence N. 00° 28' 00" E. along said West line a distance of 141.80 feet; Thence N. 48° 43' 10" W. a distance of 110.23 feet to a point on the North line of said Lot 7; Thence N. 89° 48' 38" E. along said North line a distance of 83.43 feet to a point on the West line of said Lot 8; Thence N. 00° 28' 00" E. along said West line a distance of 30.00 feet to the True Point of Beginning.

OWNER'S CERTIFICATE

We, James L. Watts and Sharon D. Watts, are the owners of the land described hereon.

James L. Watts
 James L. Watts
Sharon D. Watts
 Sharon D. Watts

ACKNOWLEDGEMENT

State of Washington) ss.
 County of Benton)
 I, *Velda M. Reynolds*, Notary Public in and for the County and State aforesaid, hereby

certify that on the 30th day of January, 1974 personally appeared before me James L. Watts and Sharon D. Watts, his wife, to me known to be the individuals who executed the foregoing Owner's Certificate and that they signed the same as their free and voluntary act and deed.

In witness whereof, I have set my hand and affixed my official seal the day and year first above written.

Velda M. Reynolds
 Notary Public in and for the State of Washington
 Residing at Richland
 My Commission expires March 25, 1978



APPROVALS

I hereby certify that the taxes on the land described hereon have been paid to and including the year 1975 A.D. Roll 41-78

Ellen Bennett by Doris Lehm
 Benton County Treasurer Date 2-21-75

The annexed SHORT PLAT is hereby approved by and for the County of Benton, State of Wash.
Robert J. Gatto
 Benton County Subdivision Administrator Date 2-21-75

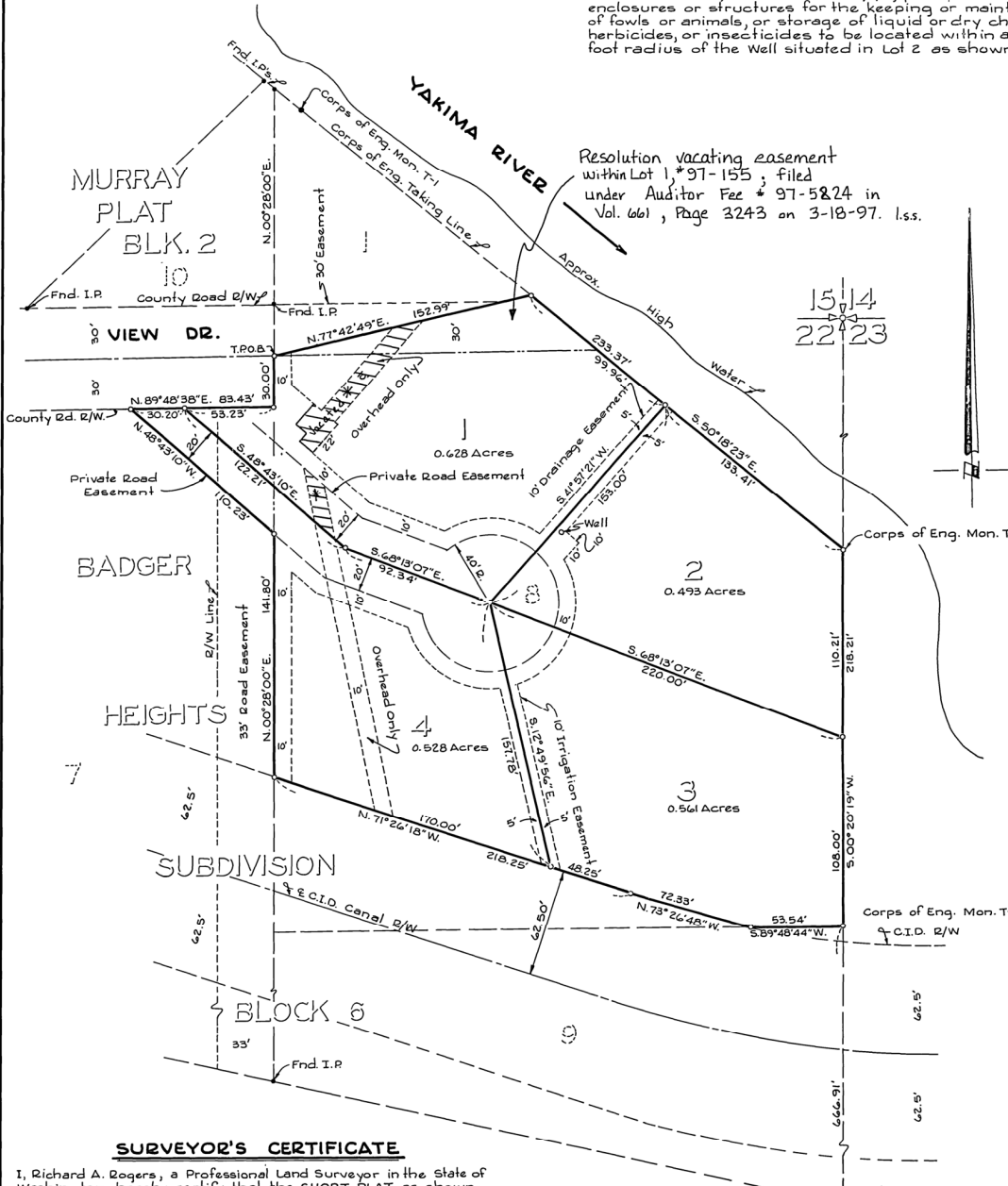
Filed for record at the request of JAMES L. WATTS at 1:50 P.M., this 21 day of February, 1974, and recorded in Volume 1 of SHORT PLATS at page 46 Records of Benton County, Washington.

By: *Diana E. Lehm, Clk. Dep.*
 Benton County Auditor Fee Number 676643

NOTES

1. 0 = Set Iron Pipes
2. Corps of Engineers Mon. = I.P. with brass screw and washer set in concrete. Stamped as shown.
3. Construction and maintenance of the PRIVATE ROAD shall not be the responsibility of Benton County, Washington.

* Portion of easement on lot 1, S. P. 46, vacated by Res. 98-018, filed under Auditor fee # 98-233 in Vol. 681, Pg. 656 on 1-6-98.



SURVEYOR'S CERTIFICATE

I, Richard A. Rogers, a Professional Land Surveyor in the State of Washington, hereby certify that the SHORT PLAT as shown hereon is based on an actual field survey conducted under my direct supervision, and that all courses and distances are correctly shown and that said SHORT PLAT is staked on the ground as indicated hereon.

2-21-75
 Date



| | | | |
|--|--|-------------------------------------|---|
| ROGERS SURVEYING INC. P.S. | | CLIENT JAMES L. WATTS | |
| PROFESSIONAL LAND SURVEYORS | | PROJECT SHORT PLAT No. 46 | ADDRESS: James L. Watts 2305 Camden Richland, Washington 99352 |
| P.O. Box 507 Richland, Washington Phone (509) 943-3151 | | DRN. BY D.R.W. | SCALE 1" = 50' |
| APPROVED | | DATE JANUARY 17, 1974 | JOB 675 |
| | | | SHEET OF |

2223



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

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 **December 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 and testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>.

VARIANCE PERMIT – VAR 2023-007 The applicant, John Sawyer, is proposing to construct a 20' x 26' shop on his property at 937 View Drive, Richland, WA 99352 and is requesting a variance to reduce the 25' setback from the north property line by 20 feet. The Rural Lands 1 Acre District (RL-1) requires all structures have a setback of 25 feet from the edge of any access easements. The granting of this variance would allow the proposed shop to have a setback of 5 feet from the north property line. Parcel #1-2298-201-0046-001.

CONDITIONAL USE PERMIT – CUP 2023-009 The applicant, Christina Miller of Wheat Head Brewing, is proposing to operate an event center in association with an onsite brewery that is currently under construction in the Growth Management Agriculture District (GMAAD) at 92308 E Locust Grove, Kennewick, WA 99338. There are proposed to be 10 to 15 indoor/outdoor events per year with no more than 200 guests per event. Parcel # 1-2788-300-0002-004.

CONDITIONAL USE PERMIT – CUP 2023-010 The applicant, Christina Miller of Wheat Head Brewing, is proposing to operate a farmers market in association with an onsite brewery that is currently under construction in the Growth Management Agriculture District (GMAAD) at 92308 E Locust Grove, Kennewick, WA 99338. The market is proposed to take place April through October on the first Tuesday of each month with approximately 10-20 vendors. Parcel # 1-2788-300-0002-004.

CONDITIONAL USE PERMIT – CUP 2023-015 The applicant, Lenard Beierle, is proposing to construct an airstrip for a commercial crop dusting operation on DNR owned property within the Growth Management Agriculture District (GMAAD). The airstrip will include a 2,800 foot by 40 foot compacted dirt runway with a 120 foot by 100 foot loading area. Parcel # 1-2675-200-0000-000.

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, mailed to or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick, WA 99338. 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, 102206 E Wiser Parkway, Kennewick, WA 99338, or planning.department@co.benton.wa.us

Dated this 22nd day of November, 2023.

PUBLICATION DATE: November 29, 2023

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department