

**EXHIBIT LIST FOR VAR 2024-001  
Scott & Jessica Meyers**

<b>Hearings Examiner Staff Memo Exhibit List -May 17, 2024 Hearing</b>		
HEM 1.1	Staff Memo	May 6, 2024
HEM 1.2	Vicinity map	March 14, 2024
HEM 1.3	Application	March 14, 2024
HEM 1.4	Site Plan	March 14, 2024
HEM 1.5	Written Determination of Completeness	March 18, 2024
HEM 1.6	Agency review request	March 18, 2024
HEM 1.7	Comment from Benton County Building Division	March 18, 2024
HEM 1.8	Comment from Benton County Public Works	April 1, 2024
HEM 1.9	Comment from Benton County Flood Administrator	April 3, 2024
HEM 1.10	Notice of Open Record Hearings	May 1, 2024
<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.bentoncountywa.gov](http://www.bentoncountywa.gov)



**Planning Division**

(509) 786-5612  
102206 E Wiser Parkway Kennewick, WA 99337  
planning.department@co.benton.wa.us

**STAFF REPORT TO THE  
BENTON COUNTY HEARINGS EXAMINER  
Scott and Jessica Meyers  
Variance to Flood Code Section 3.26.080(d)**

**HEM 1.1**

**FILE NO:** VAR 2024-001

**MEMO DATE:** May 10, 2024

**HEARING DATE:** May 17, 2024

**APPLICANT:** Quality Structures One: 6908 Argent Rd, Pasco, WA 99301

**OWNER:** Scott and Jessica Meyers: 73552 N Pederson Rd, West Richland, WA 99353

**LOCATION:** **Address:** 73552 N Pederson Rd, West Richland, WA 99353  
**General Location:** Approximately .48 miles northeast of the intersection of Grosscup Rd and Pederson Rd.  
**Legal:** Lot 3 of Short Plat 1869  
**Parcel Number:** 1-300-8301-1869-003

**PROPERTY SIZE:** 1.08 acres

**AREA TO BE USED:** 1,440 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 fifteen (15) 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 1,440 square foot accessory building to exceed the 400 square foot maximum area allowed to construct accessory structures utilizing wet-flood proofed standards in the Special Flood Hazard Areas. The applicant is requesting a variance to construct a 1,440 square foot accessory building to avoid placing over 600 cubic yards of fill that would be required to bring the structure to the required elevation. The applicant is proposing to construct the building to the following wet-flood proofed standards per BCC 3.26.080(d) and BCC 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;

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 1,500 square inches which will exceed the required 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 2024-001 was submitted to the Benton County Planning Division on March 14, 2024. (HEM 1.3)
2. The application was declared complete for processing on March 18, 2024. (HEM 1.5)
3. The application documents were distributed to reviewing agencies on March 18, 2024. (HEM 1.6)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2024-001 was published on May 1, 2024 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 April 23, 2024.
6. The Open Record Hearing is scheduled for May 17, 2024. (HEM 1.10)

**APPLICABLE STANDARDS/ORDINANCES:**

1. *Benton County Comprehensive Plan*  
3.3.2.3 Rural Land Use Designations  
Rural Remote is the predominant rural land use in the County. This land is located mostly between the agricultural lands (GMA Agriculture), Rural Transition, and the UGAs. Rural Remote land use is intended to enhance and preserve the County's rural character, which includes rural open space, low densities, wildlife habitat, public open space for outdoor recreational activities, and rural home sites on which a limited range of agricultural activities may be conducted. Allowable density in Rural Remote land use is 1DU/5acres.
2. *Benton County Code (BCC)*  
Chapter 3.26. Flood Damage Prevention  
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.

#### 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.

#### 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.

### 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.

### 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.

#### 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 March 18, 2024:
  - a. Benton County Public Works Department
  - b. Benton County Fire Marshal
  - c. Benton County Building Division
  - d. Benton County Floodplain Administrator
  - e. Benton-Franklin Health District
  - f. Benton County Fire District #4
  - g. Columbia Irrigation District
  - h. Benton REA
  - i. City of West Richland
  
2. The Benton County Building Division provided the following comments dated March 18, 2024:
  - a. The building must comply with all current Benton County Building, Fire, and Flood codes. All flood requirements must be noted on plans for submittal.
  - b. Please contact Benton County Building Division, Troy Taylor at 509-735-3500 for more information.

3. The Benton County Floodplain Administrator provided the following comments dated April 3, 2024:
  - a. The applicant has applied for a Special Flood Hazard Permit (SFHD 2021-019) and is now seeking to vent the proposed shop building structure.
  - b. The base flood elevation for the property is 388.1' and the regulatory flood elevation is 389.1'.
  - c. As proposed, the 30'x48' 1,440 sq ft shop structure must:
    - i. Have at least 1,440 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 388.1';
      - Resubmittal of updated construction plans to the Benton County Building Division is required.
      - The BFE must be demarcated on the construction plans.
      - A list of the proposed building materials located below the BFE must be provided to the Building Division and Floodplain Administrator. All building materials below the BFE must meet FEMA's flood resistant materials.
    - iv. All electrical and service equipment must be elevated to 388.1' or higher.
  - d. A 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 Mercer at 509-786-5612 for more information.
4. The following are general comments and discussion points provided by the Benton County Planning Division for this application:
  - c. The proposed structure is located in Special Flood Hazard Area Zone A8.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. The proposed variance will not increase the danger of life and property due to flooding or erosion damage.
  - h. The proposed structure has a low susceptibility to flood damage as the applicant is proposing a to flood vent a pole building.
  - i. Siting the proposed structure elsewhere on the property would not alleviate the potential to flooding.
  - j. The proposed structure is compatible with other accessory uses on residential properties in the area.
  - k. 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 2024-001 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

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

### **SUGGESTED FINDINGS OF FACT**

1. Public notice and application requirements have been completed for the variance request:
  - a. The application for VAR 2024-001 was submitted to the Benton County Planning Division on March 14, 2024.
  - b. The application was declared complete for processing on March 18, 2024.
  - c. The application documents were distributed to reviewing agencies on March 18, 2024.
  - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2024-001 was published on May 1, 2024 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 April 23, 2024.
  - f. An Open Record Hearing is scheduled for May 17, 2024.
2. The applicant is Quality Structures One; 6908 Argent Rd, Pasco, WA 99301
3. The owners are Scott and Jessica Meyers; 73552 N Pederson Rd, West Richland, WA 99353.
4. The property address is 73552 N Pederson Rd, West Richland, WA 99353.
5. The parcel is located approximately 0.48 miles northeast from the intersection of Grosscup Rd and Pederson Rd.
6. The parcel is approximately 1.08 acres in size.
7. The Comprehensive Plan designation for the property is Rural Remote.
8. The zoning designation for the property is Rural Lands Five Acre District (RL-5).

9. The property is located in Zone A8 of the Special Flood Hazard Area.
10. The proposed variance will not affect property size or increase densities in the zoning district.
11. The accessory building will be 1,440 square feet in size with 1,500 square inches of engineered flood venting proposed.
12. Approval of the variance request will not adversely affect the health or safety of persons in the area.
13. Approval of the variance request is consistent with the general purpose and intent of the County Zoning Regulations.
14. A SEPA Checklist was not required for the application request.
15. Benton County Code, Chapter 3.26.170(g), Conditions for Variances states the following:
  - a. (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 and sign a new flood conditions document for the new building.

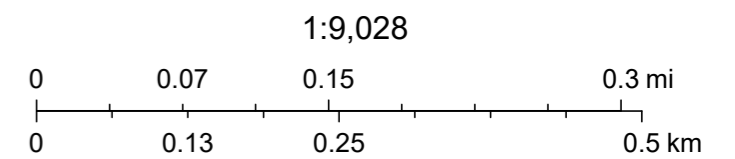
#### **TIME TO COMPLETE CONDITIONS OF APPROVAL**

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.



3/14/2024, 3:35:43 PM



Geophex Surveys Ltd., Maxar

Community Development Department  
Prosser Office: 620 Market Street, 1st Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)



Planning Division  
(509) 786-5612  
Planning.department@co.benton.wa.us  
102206 E Wiser Parkway, Kennewick, WA 99338

VARIANCE APPLICATION

RECEIVED

File No. VAR 2024-007

APPLICANT INFORMATION: *Please check the appropriate box to indicate the primary contact for this application.* MAR 14 2024

Applicant/Agent:

Benton County  
Planning Division

Name(s): Kristann Campbell  
Mailing Address: 6908 Argent Rd City: Pasco State: WA ZIP: 99301  
Phone #(s): 509 727-2525 Email: Kristann@psairx.com  
Signature: Kristann Campbell Date: 2/22/2024

Property Owner (if different from above):

Name(s) Scott Meyers - Jessica Meyers  
Mailing Address: 73552 N. Pederson Rd. City: W. Richland State: WA ZIP: 99353  
Phone #(s): 509 308-1055 Email: Scott.meyers24@gmail.com  
Signature: [Signature] Date: 2/23/2024  
Signature: [Signature] Date: 2/23/2024

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

Land Surveyor: David P. Bralman

Mailing Address: 1445 Columbiad Park Trail City: Richland State: WA ZIP: 99352  
Phone #(s): 509 783-4141 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.

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

**PARCEL INFORMATION**

1. Subject property address: 73552 N. Pederson City: W. Richland

2. Parcel number: 130083011869003 Acreage: \_\_\_\_\_

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

4. Utilities: Power:  Benton PUD  Benton REA

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: \_\_\_\_\_ ft. from the  Front  Rear  Side boundary line.

6. Describe the request and reason for the Variance: property is in a flood plain  
30x48 shop. Installing flood vents, instead of elevating shop, 1ft above flood elevation.

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? Flood plain

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? experience by others.

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

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

property in in a flood plain

To bring elevation 1ft above flood elevation would take over 600 yards to fill, access does not allow for heavy equipment.

**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 didn't effect anyone else.

**15. Additional comments or information:**

we would be grateful for a varrence so we could build a shop and final move forward with this project.

We are doing this to install flood venting rather than elevating the building. No standing water.

<b>(FOR STAFF USE ONLY)</b>	Access: Y    N	Application Complete: Y    N
Critical Areas: N    Y: _____	Zoning: _____	
Reviewed by: _____	Date: _____	

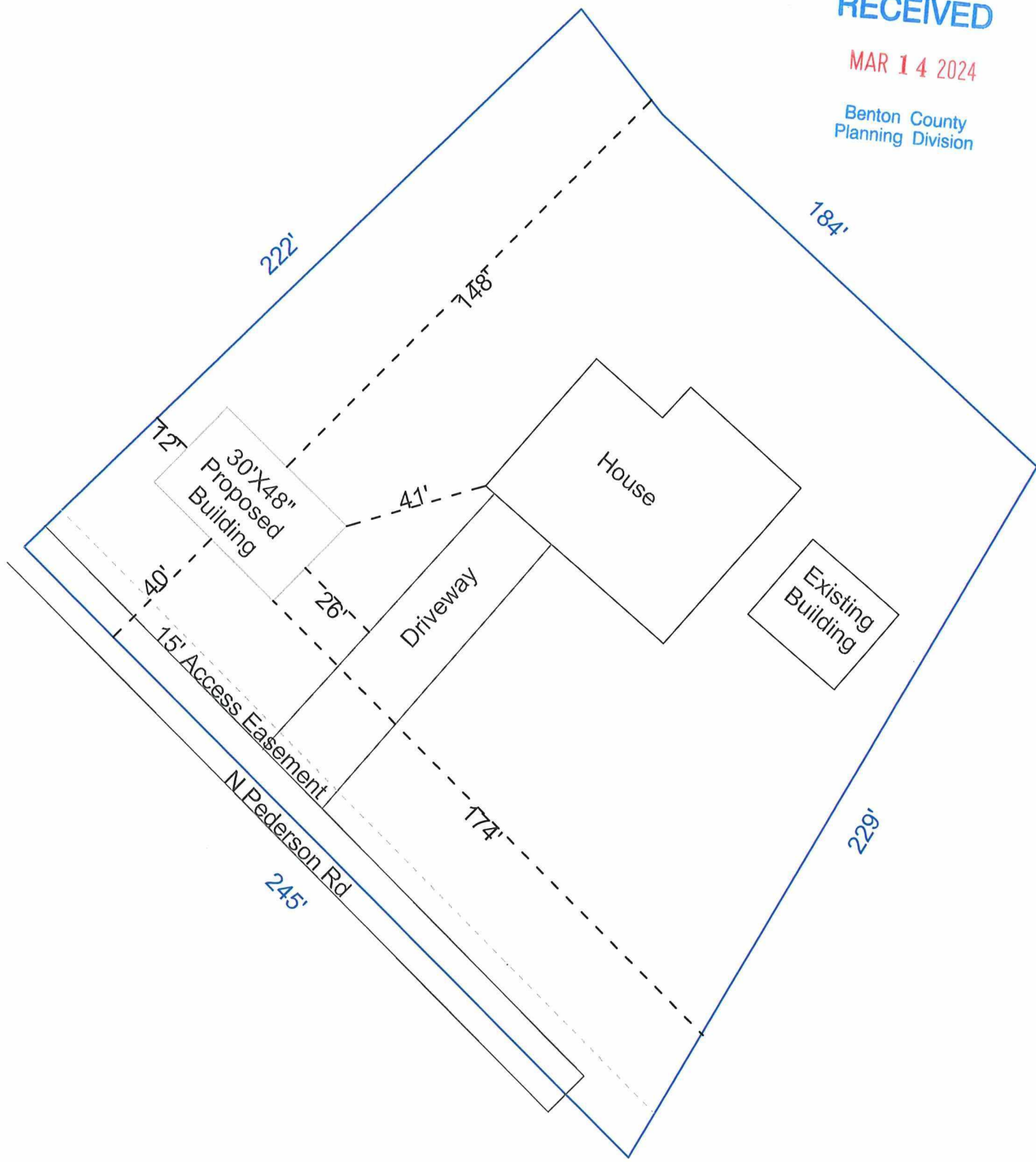
Any information submitted to the Benton County Planning Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.

HEM 1.4

RECEIVED

MAR 14 2024

Benton County  
Planning Division



↑  
North

Address	73552 N. Pederson Rd West Richland
Parcel	130083011869003
Scale	1" = 40'



**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wisser Parkway  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)

**Planning Division**

(509) 786-5612  
[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
102206 East Wisser Parkway, Kennewick, WA 99338

March 18, 2024

Scott and Jessica Meyers  
73552 N Pederson Road  
West Richland, WA 99353

RE: Written Determination of Completeness  
File Number: VAR 2024-001

Dear Mr. and Mrs. Meyers,

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 2024-001) 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, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
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102206 East Wiser Parkway, Kennewick, WA 99338

March 18, 2024

Benton County Public Works Department  
Benton-Franklin Health District  
Benton County Fire District #4  
Benton County Building Division  
Benton County Fire Marshal  
Benton REA  
City of West Richland  
Columbia Irrigation District

**RE:** Variance Request  
**File #:** VAR 2024-001  
**Parcel #:** 1-3008-301-1869-003  
**Applicant:** Scott and Jessica Meyers

The applicant is requesting a variance to allow for the installation of flood venting rather than elevating a new 30'X48' 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 **April 1, 2024**. Please reference file number **VAR 2024-001** in all correspondence.

*Thank you.*

*Benton County Planning Division*

**From:** Troy Taylor  
**Sent:** Monday, March 18, 2024 1:37 PM  
**To:** Planning Department  
**Subject:** RE: VAR 2024-001 - Meyers - Agency Review Request

Building, Comply with all current Benton County, Fire and Flood codes. Provide any and all flood requirements on building plans for submittal.

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, March 18, 2024 1:03 PM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Fire District #4 - Slita Bradley (sbradley@bcfd4.org) <sbradley@bcfd4.org>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Eric Mendenhall <emendenhall@westrichland.org>; Columbia Irrigation District <CID@columbiairrigation.com>  
**Subject:** VAR 2024-001 - Meyers - Agency Review Request

Good afternoon,

Attached you will find all the necessary application materials for a variance to allow for flood venting rather than elevating a proposed new shop at 73552 N Pederson Road in West Richland.

Please review the application materials and provide any comments by **April 1, 2024.**

Thank you,

**Nikki Relyea**

*Permit Technician*

Benton County Community Development Department

Planning Division

[Nikki.Relyea@co.benton.wa.us](mailto:Nikki.Relyea@co.benton.wa.us)

[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)

(509) 786-5612



**From:** Cristina Woods  
**Sent:** Monday, April 1, 2024 12:46 PM  
**To:** Planning Department  
**Subject:** RE: VAR 2024-001 - Meyers - Agency Review Request

Good afternoon

PW has no comments.

Thank you



**Cristina Woods, PE** • *Civil Engineer I*  
Benton County Public Works  
102206 Wiser Parkway , Kennewick WA, 99338  
(509) 786-5611 Ext: 5684

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, March 18, 2024 1:03 PM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Jack Howard <jack.howard@bfhd.wa.gov>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Fire District #4 - Slita Bradley (sbradley@bcfd4.org) <sbradley@bcfd4.org>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Eric Mendenhall <emendenhall@westrichland.org>; Columbia Irrigation District <CID@columbiairrigation.com>  
**Subject:** VAR 2024-001 - Meyers - Agency Review Request

Good afternoon,

Attached you will find all the necessary application materials for a variance to allow for flood venting rather than elevating a proposed new shop at 73552 N Pederson Road in West Richland.

Please review the application materials and provide any comments by **April 1, 2024.**

Thank you,

**From:** Michelle Mercer  
**Sent:** Wednesday, April 3, 2024 11:51 AM  
**To:** Planning Department  
**Subject:** RE: VAR 2024-001 - Meyers - Agency Review Request

The applicant has applied for a Special Flood Hazard Permit (SFHD 2021-019) and is now seeking to vent the proposed shop building structure.

The base flood elevation for the property is 388.1' and the regulatory flood elevation is 389.1'.

As proposed, the 30'x48' 1,440 sq ft shop structure must:

- Have at least 1,440 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 388.1';
  - Resubmittal of updated construction plans to the Benton County Building Division is required.
  - The BFE must be demarcated on the construction plans.
  - A list of the proposed building materials located below the BFE must be provided to the Building Division and Floodplain Administrator. All building materials below the BFE must meet FEMA's flood resistant materials.
- All electrical and service equipment must be elevated to 388.1' 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 Mercer at 509-786-5612 for more information.



**Michelle Mercer** • *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 Wisner Parkway, Kennewick, WA 99338  
[Michelle.Mercer@co.benton.wa.us](mailto:Michelle.Mercer@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.

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**From:** Planning Department <[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)>  
**Sent:** Wednesday, April 3, 2024 11:27 AM  
**To:** Michelle Mercer <[Michelle.Mercer@co.benton.wa.us](mailto:Michelle.Mercer@co.benton.wa.us)>  
**Subject:** FW: VAR 2024-001 - Meyers - Agency Review Request

---

**From:** Planning Department <[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)>  
**Sent:** Monday, March 18, 2024 1:03 PM  
**To:** Cristina Woods <[Cristina.Woods@co.benton.wa.us](mailto:Cristina.Woods@co.benton.wa.us)>; Benton Franklin Health District - JoDee Peyton



## HEM 1.9

### 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 the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications on **May 17, 2024** 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>.

**CONDITIONAL USE PERMIT – CUP 2024-003** The applicant, Tri-Cities Apostolic Lutheran Church, is proposing to construct and operate a church approximately 12,000 sq. ft. in size with an 85 space parking lot. The project is located at 33203 Clodfelter Road, Kennewick, WA 99338. Parcel number 1-2388-401-3191-001.

**CONDITIONAL USE PERMIT – CUP 2024-007** The applicant, Ronald Duncan, is proposing to construct a 798 sq. ft. detached accessory dwelling unit on a parcel with an existing 3,326 sq. ft. single family residence. The project is located at 54109 N Demoss Road, Benton City, WA 99320. Parcel number 1-0597-301-1740-004.

**CONDITIONAL USE PERMIT – CUP 2024-008** The applicant, Matthew Waddell, is proposing to construct a 614 sq. ft. detached accessory dwelling unit on a parcel with an existing 1,536 sq. ft. single family residence. The project is located at 626 N Riverside Drive, West Richland, WA 99353. Parcel number 1-0498-200-0017-000.

**CONDITIONAL USE PERMIT – CUP 2024-009** The applicants, Jay Swope and Christopher Smith, are proposing to construct an 800 sq. ft. detached accessory dwelling unit on a parcel with an existing 5,229 sq. ft. single family residence. The project is located at 12008 E 568 PR NE, Benton City, WA 99320. Parcel number 1-0597-201-2575-001.

**CONDITIONAL USE PERMIT – CUP 2024-010** The applicants, Eric and Kimberly Drury, are proposing to construct an 800 sq. ft. accessory dwelling unit within a 24' x 80' shop on a parcel with an existing 2,420 sq. ft. single family residence. The project is located at 89758 E Calico Road, Kennewick, WA 99338. Parcel number 1-0988-405-0000-042.

**PUBLIC HEARING ON VARIANCE PERMIT – VAR 2024-001** The applicants, Scott and Jessica Meyers, are requesting a variance to allow for the installation of flood venting rather than elevating a new 30'X48' detached shop at 73552 N Pederson Road, West Richland, WA 99353. Parcel number 1-3008-301-1869-003.

**PUBLIC HEARING ON VARIANCE PERMIT – VAR 2024-002** The applicants, Evan and Kathy Mehlenbacher, are proposing to construct an addition to their existing residence and requesting a variance to reduce the required 25-foot setback from a private access easement by 10 feet, leaving a total setback from the east property line of 15 feet. The project is located at 72812 E 279 PR NE, Richland, WA 99352. Parcel number 1-2098-201-0731-001.

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 on or before **May 15, 2024**. Written comments can be emailed to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us), mailed to or dropped off at the Planning Division office 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](mailto:planning.department@co.benton.wa.us).

Dated this 23rd day of April, 2024.

PUBLICATION DATE: May 1, 2024

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager  
Community Development Department