

**EXHIBIT LIST FOR VAR 2024-002
Evan and Kathy Mehlenbacher**

Hearings Examiner Staff Memo Exhibit List -May 17, 2024 Hearing		
HEM 1.1	Staff Memo	May 6, 2024
HEM 1.2	Vicinity map	March 26, 2024
HEM 1.3	Application	March 20, 2024
HEM 1.4	Site Plan	March 20, 2024
HEM 1.5	Written Determination of Completeness	March 26, 2024
HEM 1.6	Agency review request	March 26, 2024
HEM 1.7	Comment from Benton County Public Works	March 26, 2024
HEM 1.8	Comment from Benton County Rural Water	March 26, 2024
HEM 1.9	Comment from City of West Richland	March 26, 2024
HEM 1.10	Comment from Benton County Building Division	March 26, 2024
HEM 1.11	Comment from Benton County Fire Marshal	April 2, 2024
HEM 1.12	Notice of Open Record Hearings	May 1, 2024
Exhibits Submitted During Hearing or while record remained open		
HEH 1.1		
HEH 1.2		
HEH 1.3		
HEH 1.4		
HEH 1.5		
HEH 1.6		
HEH 1.7		
HEH 1.8		
HEH 1.9		
HEH 1.10		

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wisner Parkway
www.bentoncountywa.gov



Planning Division

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

HEM 1.1

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Evan and Kathy Mehlenbacher
Setback Variance**

FILE NO: VAR 2024-002

MEMO DATE: May 6, 2024

HEARING DATE: May 17, 2024

APPLICANTS/OWNERS: Evan and Kathy Mehlenbacher, 72812 E 279 PR NE Richland, WA 99352.

LOCATION: General Location: The property is located in the Richland area of unincorporated Benton County; approximately 0.15 miles northwest of the intersection of Dallas Rd. and Cowlitz Blvd.
Address: 72812 E 279 PR NE, Richland, WA 99352.
Legal: Lot 1 of Short Plat 731
Parcel Number: 120982010731001

PROPERTY SIZE: Approximately 1.06 Acres

AREA TO BE USED: The applicant is seeking a variance to encroach 10 feet into the 25 foot setback from a private access easement.

LAND USE: Residential

ZONING: Rural Lands 5 Acre District (RL5)

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested nine (9) Findings of Fact and three (3) Conditions of Approval as outlined in this staff report.

APPLICATION DESCRIPTION:

The applicant is requesting a variance from the setback requirements in BCC 11.11.090 (a)(1) regarding setback from any legally established boundary line of a private access easement in the Rural Lands Five Acre District. The applicant is proposing to construct a 324 square foot addition to an existing single-family dwelling and the proposed variance would allow the addition to encroach ten (10) feet into the twenty-five (25) foot setback from a private access easement.

Fifteen (15) feet of a thirty (30) foot private access is located on the subject parcel. If granted this variance would result in a total setback of fifteen (15) feet from the edge of the access easement or thirty (30) feet from the east property line.

The location, orientation, and layout of the existing house in combination with the proximity of the private access easement, utility infrastructure, and the location of the existing septic system limit the suitable locations to construct the single-family home addition.

The application for VAR 2024-002 (HEM 1.3) was submitted to the Benton County Planning Division on March 20, 2024.

The application was declared complete for processing on March 26, 2024. (HEM 1.5)

The application documents were distributed to reviewing agencies on March 26, 2024. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2024-002 was published on May 1, 2024 in the Prosser Record Bulletin. (HEM 1.12)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on April 23, 2024.

The Open Record Hearing is scheduled for May 17, 2024.

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)*
Title 11 Zoning
Chapter 11.11.090 Property Development Standards—Setback Requirements
All lands, structures, and uses in the Rural Lands Five Acre District (RL-5) 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.

Chapter 11.50 Variance and Conditional Use

11.50.030 Variance

(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 classification;
- (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).

PUBLIC NOTICE:

The Public Notice Requirements for this application as per BCC 11.50.050(b) are as follows:

1. The Planning Division shall provide written notification for an open record hearing, subject to the rules and regulations set forth in RCW 36.70. Written notice shall be

mailed at least twelve (12) days in advance of the open record hearing to the applicant and the owner of the parcel(s) to which the proposed variance or conditional use permit would apply, and to all owners of real property, as shown in the records of the Benton County Assessor, located within a distance of three hundred (300) feet of any portion of the applicable parcel, provided that if the owner of the parcel for which the proposed variance or conditional use permit is requested owns another parcel or parcels adjacent the parcel at issue, notification shall be mailed to owners of real property located within three hundred (300) feet of any portion of such adjacent parcels as well. Failure to receive the notice shall not invalidate any proceedings or decision in connection with the proposed variance or conditional use permit. Notices addressed to the last known owner of record as shown on the County Assessor's records shall be deemed proper notice to the owner of such property; and,

2. By publication of a legal notice in a newspaper of general circulation in the County at least ten (10) days prior to the open record hearing date.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on March 26, 2024:
 - a. Benton County Public Works Department
 - b. Benton-Franklin Health District
 - c. Benton County Fire District #4
 - d. Benton County Building Division
 - e. Benton County Fire Marshal
 - f. Benton County Code Enforcement
 - g. Benton Public Utility District
 - h. Benton County Rural Water Coordinator
 - i. Columbia Irrigation District
 - j. City of Richland
 - k. City of West Richland
2. The following comments were received from the **Benton County Building Division (HEM 1.10)**:
 - a. The proposal must comply with all current Benton County building and fire code.
 - b. For more information, please contact the Benton County Building Division at (509) 735-3500.

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 2024-002 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

1. The applicants and owners are Evan and Kathy Mehlenbacher, 72812 E 279 PR NE Richland, WA 99352.
2. The applicants are proposing to construct a 324 square foot single family dwelling addition located at 72812 E 279 PR NE Richland, WA 99352.
3. Per BCC 11.11.090 each dwelling unit shall have a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.
4. In order to construct in the addition in the proposed location, the applicant is requesting a variance to encroach ten (10) feet into the twenty-five (25) foot setback requirement from a private access easement.
5. Fifteen (15) feet of the thirty (30) foot legally established private access easement is located on the subject parcel.
6. The single-family dwelling addition is proposed to be fifteen (15) feet away from a thirty (30) foot private access easement and thirty (30) feet from the east property line.
7. The location, orientation, and layout of the house in combination with the proximity of private access easements, utility infrastructure, and the location of the existing septic system limit the suitable locations to construct the single-family home addition.
8. A variance shall be granted only if the Hearings Examiner concludes, based on the findings and conditions imposed, 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 classification;
 - (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.
9. 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).

SUGGESTED CONDITIONS OF APPROVAL:

1. The activities on the site shall comply with the submitted site plan and materials submitted for this application.
2. The approval grants the applicant the ability to deviate from the property development setback standard in BCC 11.11.090 (a)(1) as follows:

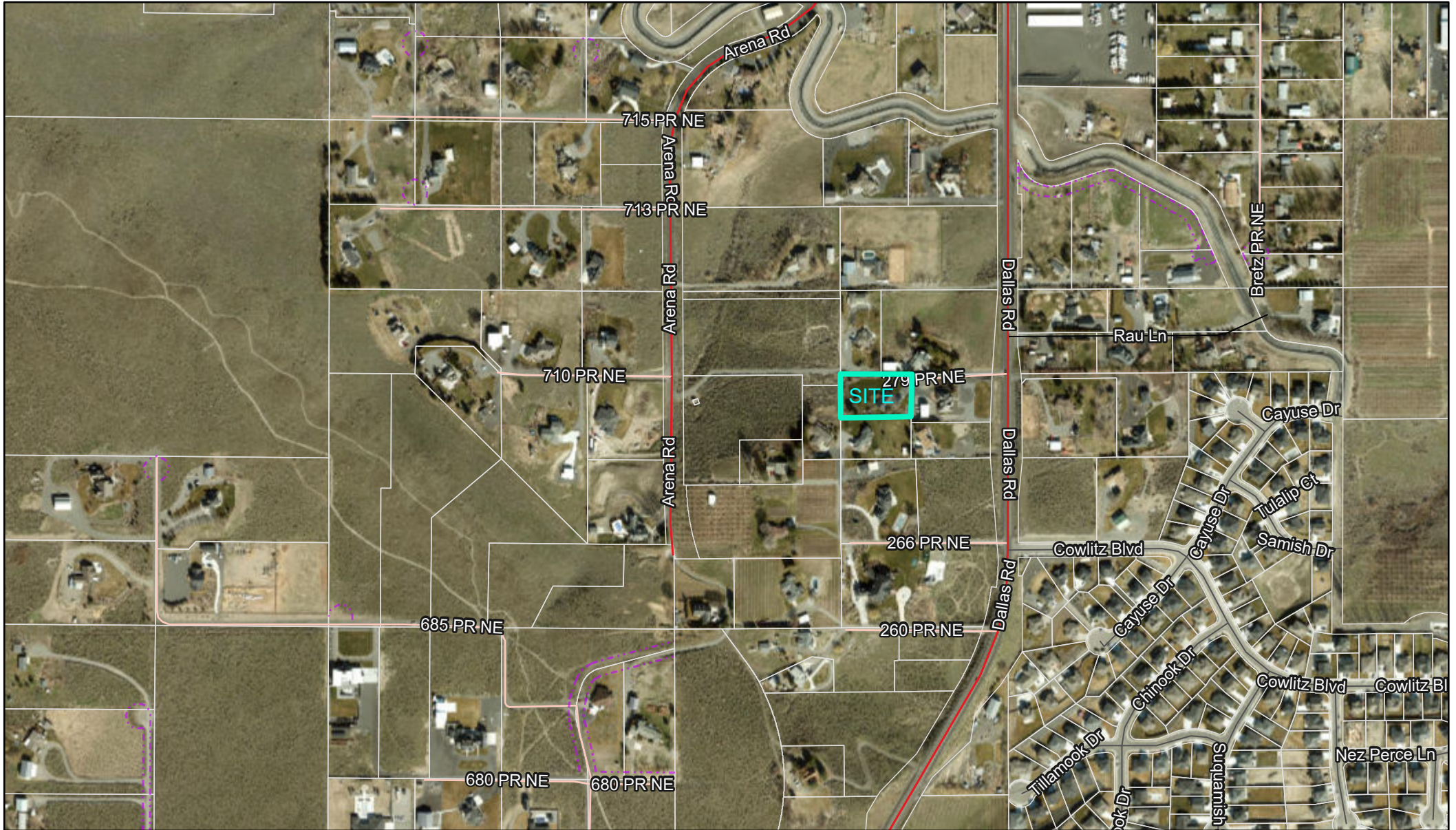
The addition to the single-family residence may be sited no greater than ten (10) feet into the twenty-five (25) foot setback from the thirty (30) foot wide access easement partially located on the subject parcel. The ten (10) foot encroachment would result in a total setback of thirty (30) feet, from the east property line. The encroachment of the building has been specified on the submitted site plan.

3. The applicant is required to obtain and maintain a Benton County Building Permit for the dwelling addition.

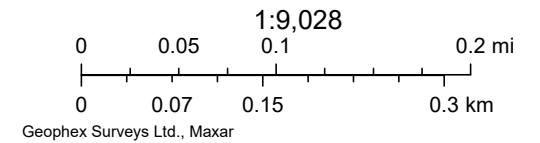
TIME TO COMPLETE CONDITIONS OF APPROVAL:

The applicant shall have one (1) year to meet all of the Conditions of Approval.

If all 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 has 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.



3/26/2024, 11:18:15 AM



Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.bentoncountywa.gov



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

RECEIVED

MAR 20 2024

VARIANCE APPLICATION

File No. VAR 2024-002

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

Benton County
Planning Division

Applicant/Agent:

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

Property Owner (if different from above):

Name(s) Evan Mehlenbacher, Kathy Mehlenbacher
Mailing Address: 72812 E 279 PR NE City: Richland State: WA ZIP: 99352
Phone #(s): 509-531-7756 Email: evancsb@gmail.com
Signature: Evan Mehlenbacher Date: 3/20/24
Signature: Kathy Mehlenbacher Date: 3-20-24

*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.

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:** 72812 E 279 PR NE **City:** Richland
2. **Parcel number:** 1-2098-201-073-1-001 **Acreage:** 1.06
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:** 10 ft. from the Front Rear Side boundary line.

6. **Describe the request and reason for the Variance:**

The proposed location is the only available area on the site/house that does not affect the current utility infrastructure, egress windows and proximity to property lines.

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?**

The current position of the residence on the property only allows for one location.

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

- Yes No *If yes, please explain:*

The design of the residence and the position on the property from the previous owner leaves only one location for the addition to be located.

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?**

It is unique to my property.

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

There are no other walls on the house that this room could be realistically added to.
On the north side of the house, there are 2 HVAC units and all the electrical utility lines are running to the house from that direction.
On the west side of the house, there is a large brick patio and a pergola. The septic tank is also located there.
On the south side, all the sprinkler valves and pipes are located there, plus a propane tank for the fireplace. There is a long two-tiered retaining wall that comes out 12 feet from the boundary line, making for a narrow space.
The front of the house has the front door and covered slab for entry in front of the door.

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

No. The proposed location for the addition is the only reasonable place for it to be added to the house.

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 will have no impact on the public health, safety, or welfare of surrounding properties or improvements in the vicinity.

15. Additional comments or information:

Thank you for your consideration.

(FOR STAFF USE ONLY) Access: Y N Application Complete: Y N

Critical Areas: N Y: _____ Zoning: _____

Reviewed by: _____ Date: _____

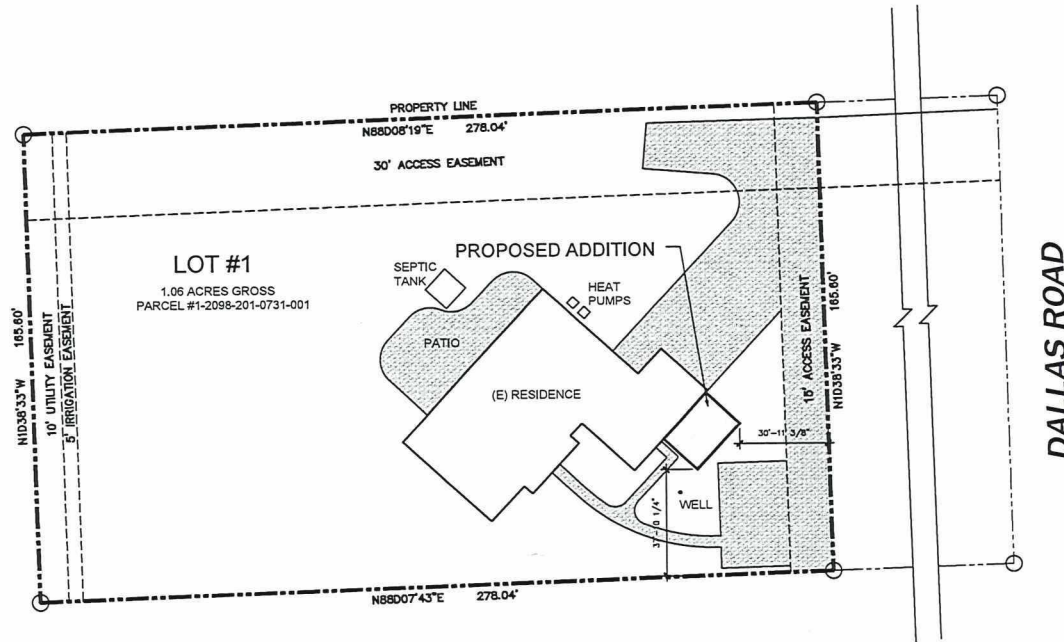
Any information submitted to the Benton County Planning Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.

HEM 1.4

RECEIVED

MAR 20 2024

Benton County
Planning Division



ARCHITECTURAL SITE PLAN
SCALE: 1" = 20'-0"



CITY OF BENTON COUNTY, OREGON: ALL INFORMATION IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE CITY OF BENTON COUNTY, OREGON, IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

Mehlenbacher Residence
Music Room Addition
72812 E 279 PR NE, Richland, WA 99352
Architectural Site Plan

REVISIONS:

DATE: 2/26/2024
JOB NO.: 24-0205
DRAWN BY: BB

AS1.1

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.bentoncountywa.gov

**Planning Division**

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

March 26, 2024

Evan and Kathy Mehlenbacher
72812 E 279 PR NE
Richland, WA 99352

RE: Written Determination of Completeness
File Number: VAR 2024-002

Dear Mr. and Mrs. Mehlenbacher,

This office is in receipt of your project permit application for a variance to encroach 10' into the 25' private access easement setback to allow for an addition to be built onto the current residence. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (VAR 2024-002) 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.bentoncountywa.gov

**Planning Division**

(509) 786-5612

Planning.department@co.benton.wa.us

102206 East Wiser Parkway, Kennewick, WA 99338

March 26, 2024

Benton County Public Works Department
Benton-Franklin Health District
Benton County Fire District #4
Benton County Building Division
Benton County Fire Marshal
Benton County Rural Water Coordinator
Benton PUD
City of Richland
City of West Richland

RE: Variance Request
File #: VAR 2024-002
Parcel #: 1-2098-201-0731-001
Applicant: Evan and Kathy Mehlenbacher

The applicant is proposing to construct an addition to their existing residence within the Rural Lands 5 Acre District (RL5) and is requesting a variance to reduce the 25-foot setback from a private access easement by 10 feet.

Attached please find the application materials submitted for your review.

Please submit your comments to planning.department@co.benton.wa.us by **April 9, 2024**. Please reference file number **VAR 2024-002** in all correspondence.

Thank you.

Benton County Planning Division

From: Cristina Woods
Sent: Tuesday, March 26, 2024 10:36 AM
To: Planning Department
Subject: RE: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

Good morning

PW has no comments.

Thank you.



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

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Tuesday, March 26, 2024 10:12 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; 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>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; contactus@bcfd4.org; engservice@bentonpud.org; planning@ci.richland.wa.us; Eric Mendenhall <emendenhall@westrichland.org>; eransom@westrichland.org
Subject: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

Good morning,

Attached is an application requesting a variance to reduce the 25-foot setback from a private access easement by 10 feet in the Rural Lands 5 Acre District at 72812 E 279 PR NE in Richland.

Please review the application materials and provide any comments by **April 9th, 2024.**

Thank you,

From: Rural Water Supply Program
Sent: Tuesday, March 26, 2024 10:39 AM
To: Planning Department
Subject: RE: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

Rural Water Supply Program has no comments for VAR 2024-002.



Donna Hutchinson
Rural Water Supply Coordinator
Community Development Dept.
Planning Division
102206 E. Wiser Parkway
Kennewick WA 99338
Phone: (509)786-5612
rural.water@co.benton.wa.us
www.bentoncountywa.gov

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, March 26, 2024 10:12 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; 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>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; contactus@bcfd4.org; engservice@bentonpud.org; planning@ci.richland.wa.us; Eric Mendenhall <emendenhall@westrichland.org>; eransom@westrichland.org
Subject: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

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Please review the application materials and provide any comments by **April 9th, 2024.**

Thank you,

From: Elisha Ransom <ERansom@westrichland.org>
Sent: Tuesday, March 26, 2024 1:23 PM
To: Planning Department
Subject: [EXTERNAL] RE: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

Nikki,

The City of West Richland does not have any comments on this application.

Thanks,
Elisha



Elisha Ransom, AICP

Planner | Community Development

(509) 967-5902 | eransom@westrichland.org
3100 Belmont Blvd. West Richland, WA 99353

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Tuesday, March 26, 2024 10:12 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; 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>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; contactus@bcfd4.org; engservice@bentonpud.org; planning@ci.richland.wa.us; Eric Mendenhall <emendenhall@westrichland.org>; Elisha Ransom <ERansom@westrichland.org>
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Please review the application materials and provide any comments by **April 9th, 2024.**

Thank you,

From: Troy Taylor
Sent: Tuesday, March 26, 2024 3:28 PM
To: Planning Department
Subject: RE: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

Building- Comply with all current Benton County and fire code.

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Tuesday, March 26, 2024 10:12 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Jack Howard <jack.howard@bfhd.wa.gov>; erin.hockaday@bfhd.wa.gov; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; 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>; Rural Water Supply Program <Rural.Water@co.benton.wa.us>; Fire District #4 - Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; contactus@bcfd4.org; engservice@bentonpud.org; planning@ci.richland.wa.us; Eric Mendenhall <emendenhall@westrichland.org>; eransom@westrichland.org
Subject: Agency Review Request Variance (VAR 2024-002) - Mehlenbacher

Good morning,

Attached is an application requesting a variance to reduce the 25-foot setback from a private access easement by 10 feet in the Rural Lands 5 Acre District at 72812 E 279 PR NE in Richland.

Please review the application materials and provide any comments by **April 9th, 2024.**

Thank you,

Nikki Relyea
Permit Technician
Benton County Community Development Department
Planning Division
Nikki.Relyea@co.benton.wa.us
Planning.Department@co.benton.wa.us
(509) 786-5612





HEM 1.11

Fire Marshal Comments:

Date: April 2, 2024

Parcel #: 120982010731001

Nikki,

From the perspective of the Fire Marshal, I have no comment or objection regarding VAR 2024-002

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

Re: VAR 2024-002, Mehlenbacher

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



HEM 1.12

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, 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.

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