

**EXHIBIT LIST FOR VAR 2024-004
BRAD & TERA SEABAUGH**

Hearings Examiner Staff Memo Exhibit List - January 17, 2025 Hearing		
HEM 1.1	Staff Memo	December 19, 2024
HEM 1.2	Vicinity map	November 22, 2024
HEM 1.3	Application	November 21, 2024
HEM 1.4	Site Plan	November 21, 2024
HEM 1.5	Written Determination of Completeness	November 22, 2024
HEM 1.6	Agency review request	November 22, 2024
HEM 1.7	Comment from Benton County Public Works Department	November 22, 2024
HEM 1.8	Comment from Benton REA	November 25, 2024
HEM 1.9	Comment from Benton County Building Division	December 2, 2024
HEM 1.10	Notice of Open Record Hearings	January 1, 2025
Exhibits Submitted During Hearing or while record remained open		
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Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.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
Brad Seabaugh
Variance to Flood Code Section 3.26.080(d)**

HEM 1.1

FILE NO: VAR 2024-004

MEMO DATE: December 19, 2024

HEARING DATE: January 17, 2025

APPLICANT/ OWNER: Brad Seabaugh: 67818 E Ranch Rd, West Richland, WA 99353

LOCATION: **Address:** 67818 E Ranch Rd, West Richland, WA 99353
General Location: Approximately .31 miles northeast of the intersection of W Canal Dr and Ranch Rd.
Legal: Lot 2 of Short Plat 1541
Parcel Number: 1-3108-101-1541-002

PROPERTY SIZE: 3.78 acres

AREA TO BE USED: 4,920 sq. ft. accessory building

LAND USE: Residential

COMPREHENSIVE PLAN: Rural Remote

ZONING: Rural Lands Five Acre District

RECOMMENDATION:

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

APPLICATION DESCRIPTION:

The variance request, under BCC 3.26.160-190, is a request to deviate from BCC 3.26.080(d) to allow a 4,920 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 2,400 square foot addition to an existing 2,520 accessory building. The variance request is to flood proof both the existing structure and the proposed addition, the existing structure was not constructed to meet regulatory flood requirements. In order to make a substantial improvement to an existing non-conforming structure the whole structure must be brought into compliance. 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 4,920 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 2024-004 was submitted to the Benton County Planning Division on November 21, 2024. (HEM 1.3)
2. The application was declared complete for processing on November 22, 2024. (HEM 1.5)
3. The application documents were distributed to reviewing agencies on November 22, 2024. (HEM 1.6)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2024-004 was published on January 1, 2025 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 December 26, 2024.
6. The Open Record Hearing is scheduled for January 17, 2025. (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 November 22, 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 December 02, 2024:
 - a. The building must comply with all current Benton County Building and Fire codes.
 - b. Please contact Benton County Building Division, Troy Taylor at 509-735-3500 for more information.

3. The following are general comments are the proposed conditions of approval from the Benton County Flood Plain Administrator:
 - a. The applicant has applied for a Special Flood Hazard Permit (SFHD 2024-010) and is now seeking to vent the proposed shop building structure.
 - b. The base flood elevation for the property is 384' and the regulatory flood elevation is 385'.
 - c. As proposed, the shop structure must:
 - i. The structure must be anchored to resist flotation, collapse, and lateral movement;
 - ii. Any portion of the structure located below the RFE must be constructed with flood-resistant materials;
 - iii. Any mechanical and utility equipment (electrical) must be elevated and floodproofed to or above the BFE;
 - iv. 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.
 - v. Per the elevation certificate submitted, 4,920 square inches of engineered flood venting is proposed.
 - vi. Per the revised construction plans submitted 11/22/2024, the applicant is proposing to have an 8-foot opening which connects the addition to the existing structure. This opening must be maintained for the life of the structure and cannot be enclosed without prior approval by the Floodplain Administrator.
 - vii. The bottom of all openings shall be no higher than one foot above grade.
 - viii. Any electrical, machinery or service equipment is required to be elevated to 384' or higher and documented on the final elevation certificate. Please identify the elevations of any electrical equipment on the final elevation certificate.
 - ix. A "Building Under Construction" elevation certificate may be required by the Building Division at the time of under floor/foundation inspection.
 - x. A final elevation certificate is required to be submitted to the Planning Division prior to the final inspection.

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 A4.
 - 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 shop 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 2024-004 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

The Hearings Examiner may grant a variance subject to specified conditions designed to ensure that the purpose and intent of this title and the Comprehensive Plan will not be violated; provided, the specified conditions are needed to make the conclusions required by BCC 3.26.160(d) and 3.26.170.

Based on the information received to date, Planning Staff recommends approval of the applicant's request with the following suggested Findings of Fact and Conditions of Approval:

SUGGESTED FINDINGS OF FACT

1. Public notice and application requirements have been completed for the variance request:
 - a. The application for VAR 2024-004 was submitted to the Benton County Planning Division on November 21, 2024.
 - b. The application was declared complete for processing on November 22, 2024.
 - c. The application documents were distributed to reviewing agencies on November 22, 2024.
 - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2024-004 was published on January 1, 2025 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 December 26, 2024.
 - f. An Open Record Hearing is scheduled for January 17, 2025.
2. The applicant/ owner is Brad Sebaugh; 67818 E Ranch Rd, West Richland, WA 99353.
3. The property address is 67818 E Ranch Rd, West Richland, WA 99353.
4. The parcel is located approximately 0.31 miles northeast from the intersection of W Canal Dr and Pederson Rd.
5. The parcel is approximately 3.78 acres in size.

6. The Comprehensive Plan designation for the property is Rural Remote.
7. The zoning designation for the property is Rural Lands Five Acre District (RL-5).
8. The property is located in Zone A4 of the Special Flood Hazard Area.
9. The proposed variance will not affect property size or increase densities in the zoning district.
10. The accessory building will be 4,920 square feet in size with 4,920 square inches of engineered flood venting proposed.
11. Approval of the variance request will not adversely affect the health or safety of persons in the area.
12. Approval of the variance request is consistent with the general purpose and intent of the County Zoning Regulations.
13. A SEPA Checklist was not required for the application request.
14. Benton County Code, Chapter 3.26.170(g), Conditions for Variances states the following:
 - 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. The flood conditions are as follows:
- i. The structure must be anchored to resist flotation, collapse, and lateral movement;
 - ii. Any portion of the structure located below the RFE must be constructed with flood-resistant materials;
 - iii. Any mechanical and utility equipment (electrical) must be elevated and floodproofed to or above the BFE;
 - iv. 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.
 - v. Per the elevation certificate submitted, 4,920 square inches of engineered flood venting is proposed.
 - vi. Per the revised construction plans submitted 11/22/2024, the applicant is proposing to have an 8-foot opening which connects the addition to the existing structure. This opening must be maintained for the life of the structure and cannot be enclosed without prior approval by the Floodplain Administrator.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - i. Any electrical, machinery or service equipment is required to be elevated to 384' or higher and documented on the final elevation certificate. Please identify the elevations of any electrical equipment on the final elevation certificate.
 - ii. A "Building Under Construction" elevation certificate may be required by the Building Division at the time of under floor/foundation inspection.
 - iii. A final elevation certificate is required to be submitted to the Planning Division prior to the final inspection.

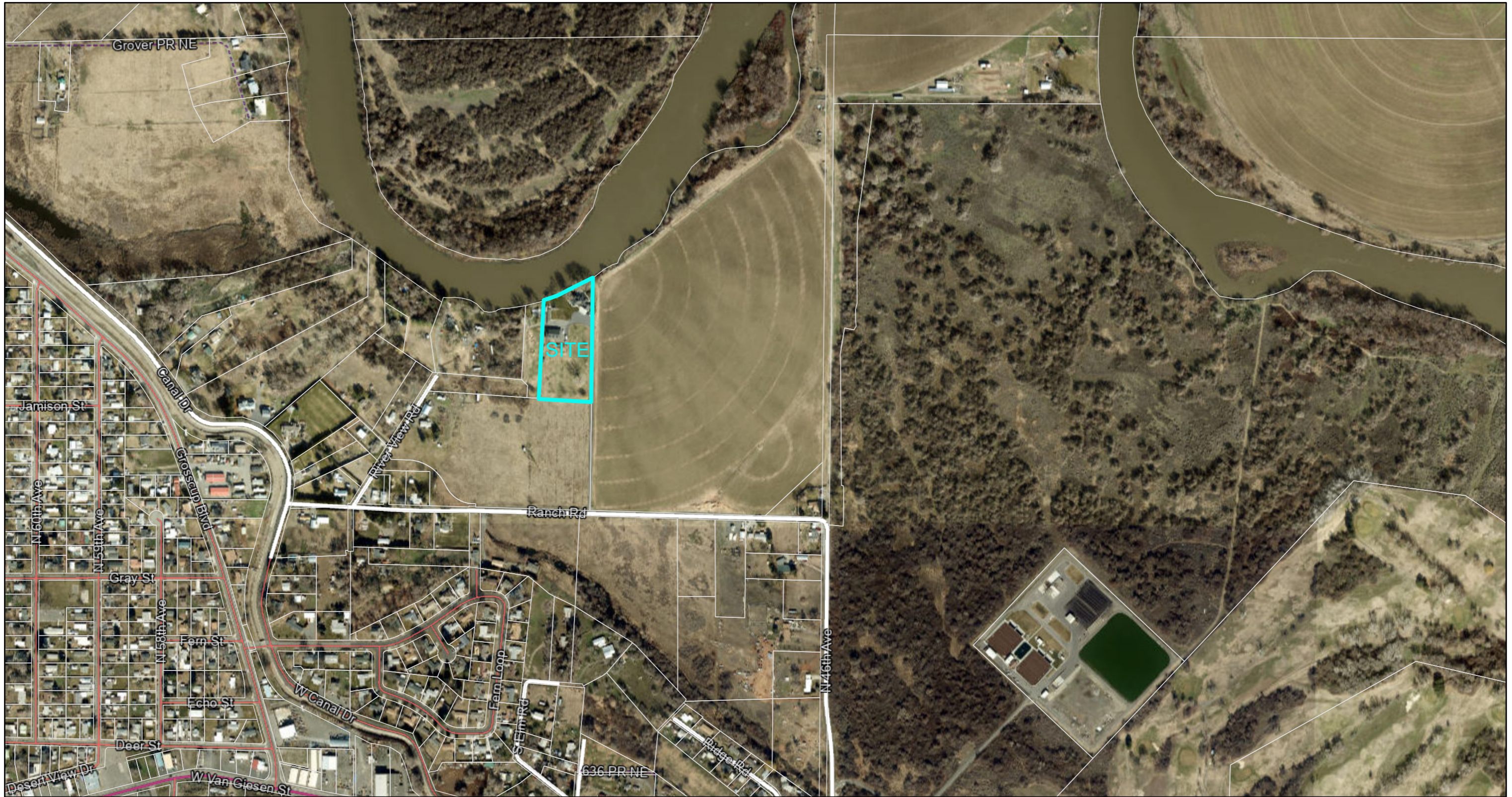
TIME TO COMPLETE CONDITIONS OF APPROVAL

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.

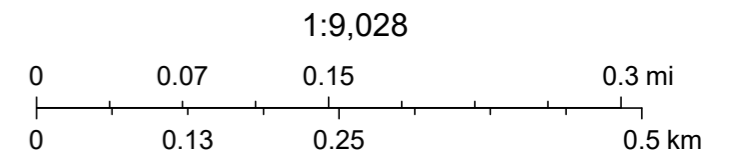
If the conditions of approval have not been met and the Planning Division does not issue the variance within one (1) year from the time the Hearings Examiner conditionally approved the variance, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior 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.

VAR 2024-004 - SEABAUGH - VICINITY MAP

HEM 1.2



11/22/2024, 9:14:50 AM



Geophex Surveys Ltd., Maxar

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.development@co.benton.wa.us
102206 E Wiser Parkway, Kennewick, WA 99338

RECEIVED

VARIANCE APPLICATION

File No. VAR 2024-004

NOV 21 2024

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

Benton County
Planning Division

Applicant/Agent:

Name(s): BRAD SEABAUGH
Mailing Address: 67818 E. RANCH RD City: W. RICHLAND State: WA ZIP: 99353
Phone #(s): 509-521-3193 Email: BRAD.SEABAUGH@HOTMAIL.COM
Signature: [Signature] Date: 11/20/24

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: AHBL, INC.

Mailing Address: 5804 RD 90 SE H. City: PASCO State: WA ZIP: 99301
Phone #(s): 509-380-5883 Email: JBECKER@AHBL.COM

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: 62818 E. RANCH RD City: WEST RICHMOND

2. Parcel number: 1-3108-101-1541-002 Acreage: 4

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) CED

5. Requested setback variance: _____ ft. from the Front Rear Side boundary line.

6. Describe the request and reason for the Variance:
EXISTING SHOP APPROVED/PERMITTED BY BENTON COUNTY 12+ YRS AGO. ADDING TO EXISTING SHOP @ SAME ELEVATION BUT APPEARS TO BE 1 FOOT TOO LOW. SIMPLY WANT TO EXPAND EXISTING SHOP.

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?
SETBACK MEETS CODE.

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?
I BELIEVE IT IS UNIQUE AS I BUILT EXISTING SHOP TO COUNTY APPROVAL + PERMIT NOT KNOWING IT WOULD BE AN ISSUE IN FUTURE. ADDING TO EXISTING STRUCTURE DOES NOT CHANGE ANYTHING TO WHAT I HAVE PRESENTLY.

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.

I CANNOT RAISE MY EXISTING SHOP FLOOR.

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

PERSONALLY, THE CODE ALLOWS VARIANCES SO I AM NOT SURE THIS IS A VARIANCE BUT I SAY "NO" TO THIS QUESTION.

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?

ABSOLUTELY NOT. I AM NOT IN THE FLOODWAY AND WATER DID NOT HIT THIS SPOT EVEN IN 1996.

15. Additional comments or information:

(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.

67818 EAST RANCH ROAD
WEST RICHLAND, WA 99353

BRAD SEABAUGH - NEW SHOP ADDITION



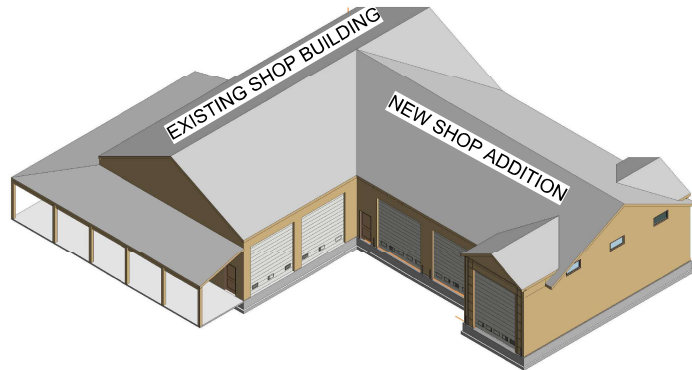
PROJECT LOCATION



Web Page: <http://mefi-engineering.com>

BRAD SEABAUGH

67818 EAST RANCH ROAD
WEST RICHLAND, WA 99353



PERSPECTIVE

MEFI ENGINEERING
2800 WILLIAMS ROAD
WALLA WALLA, WA,
99362

Office: 509-529-7579
Cell: 509-301-7975

email:
mefieng@charter.net



11/19/2024 12:46:27 PM

No.	Description	Date

NEW SHOP ADDITION

TITLE PAGE

Date: 24 AUG 24
Drawn by: Author
Checked by: Checker

S.1

Scale:

Sheet Number	Sheet Name
S,1	TITLE PAGE
S,2	GENERAL NOTES
S,3	PLAN VIEW
S,4	REBAR PLAN
S,5	ROOF PLAN
S,6	ELEVATIONS
S,7	SECTIONS
S,8	FRAMING ELEVATIONS
S,9	PERSPECTIVE
S,10	ROOF OVER FRAMING

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

HEM 1.5

November 22, 2024

Brad and Tera Seabaugh
67818 E Ranch Road
West Richland, WA 99353

RE: Written Determination of Completeness
File Number: VAR 2024-004

Dear Mr. and Mrs. Seabaugh,

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 2024-004) and the review process will now begin.

Although this office has determined that your application is complete, more clarification or information may be needed from you as we go through the review process. Additional information and/or permits may be required from other agencies including, but not limited to, the Benton County Building Division, the Benton-Franklin Health District, and the Washington State Department of Health.

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

Sincerely,

Liz Koerner - Associate Planner
Benton County Community Development Dept
Planning Division



HEM 1.6

November 22, 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 2024-004
Parcel #: 1-3108-101-1541-002
Applicant: Brad and Tera Seabaugh

The applicant is requesting a variance to allow for the installation of flood venting rather than elevating a proposed 2,080 sq. ft addition to a 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 by **December 6, 2024**. Please reference file number **VAR 2024-004** in all correspondence.

Thank you.

Benton County Planning Division

Nikki Relyea

From: Cristina Woods
Sent: Friday, November 22, 2024 1:42 PM
To: Planning Department
Subject: RE: Agency Review - Variance - Seabaugh (VAR 2024-004)

HEM 1.7

Good afternoon

Public Works 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: Friday, November 22, 2024 11:54 AM
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>; 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: Agency Review - Variance - Seabaugh (VAR 2024-004)

Good afternoon,

Attached you will find the necessary application materials for Brad and Tera Seabaugh, who are requesting a variance to install flood venting rather than elevating a proposed 2,080 sq. ft. addition to a detached shop at 67818 E Ranch Road, Benton City, WA 99353.

Please review and provide any comments by **December 6, 2024.**

Have a wonderful weekend,

Nikki Relyea

From: Chris Cooke <ccooke@bentonrea.org>
Sent: Monday, November 25, 2024 7:06 AM
To: Planning Department
Subject: RE: [External] Agency Review - Variance - Seabaugh (VAR 2024-004)

HEM 1.8

Good morning,

Benton REA has no comments.

Thank you,

CHRIS COOKE | STAKING ENGINEER

BENTON REA

ccooke@bentonrea.org

Office: 509-786-8252

Cell: 509-781-6735



402 7th St. | P.O. Box 1150, Prosser, WA 99350

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, November 22, 2024 11:54 AM
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>; 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>; Chris Cooke <ccooke@bentonrea.org>; Derek Miller <dmliller@bentonrea.org>; Eric Mendenhall <emendenhall@westrichland.org>; Columbia Irrigation District <CID@columbiairrigation.com>
Subject: [External] Agency Review - Variance - Seabaugh (VAR 2024-004)

This message came from outside of Benton REA.

Good afternoon,

Attached you will find the necessary application materials for Brad and Tera Seabaugh, who are requesting a variance to install flood venting rather than elevating a proposed 2.080 sq. ft. addition to a detached shop at 67818 E Ranch Road, Benton City, WA 99353.

Please review and provide any comments by **December 6, 2024.**

Have a wonderful weekend,

Nikki Relyea

From: Troy Taylor
Sent: Monday, December 2, 2024 8:22 AM
To: Planning Department
Subject: RE: Agency Review - Variance - Seabaugh (VAR 2024-004)

HEM 1.9

Building- Comply with all current Benton county and fire codes.

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, November 22, 2024 11:54 AM
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>; 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: Agency Review - Variance - Seabaugh (VAR 2024-004)

Good afternoon,

Attached you will find the necessary application materials for Brad and Tera Seabaugh, who are requesting a variance to install flood venting rather than elevating a proposed 2.080 sq. ft. addition to a detached shop at 67818 E Ranch Road, Benton City, WA 99353.

Please review and provide any comments by **December 6, 2024.**

Have a wonderful weekend,

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 1.10

NOTICE OF OPEN RECORD HEARINGS

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Hearings Examiner for Benton County, Washington.

NOTICE IS FURTHER GIVEN that the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications on **January 17, 2025** 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 2020-013 The legal landowner, Jesse Greenhough Jr., is requesting to null and void the existing permit for a dog kennel. The previous operators have vacated the property, and Mr. Greenhough does not wish to continue the operation on the property.

CONDITIONAL USE PERMIT – CUP 2023-009 The applicant, Tina Miller, is requesting a one-year extension to meet the conditions of approval. The extension will allow time to obtain the necessary approvals with the Department of Health and Ecology to operate an event center at Wheat Head Brewery. The project is located at 92308 E Locust Grove Road, Kennewick, WA 99338. Parcel number 1-2788-300-0002-004.

CONDITIONAL USE PERMIT – CUP 2023-010 The applicant, Tina Miller, is requesting a one-year extension to meet the conditions of approval. The extension will allow time to obtain the necessary approvals with the Department of Health and Ecology to operate a farmers market at Wheat Head Brewery. The project is located at 92308 E Locust Grove Road, Kennewick, WA 99338. Parcel number 1-2788-300-0002-004.

CONDITIONAL USE PERMIT – CUP 2024-021 The applicant, Trevor Tapani, is proposing to construct a 798 sq. ft. detached accessory dwelling unit while finishing construction on their 3,840 sq. ft. single family residence. The project is located at 33501 S Clodfelter Road, Kennewick, WA 99338 in the Rural Lands 5 Acre District. Parcel number 1-2388-400-0004-000.

CONDITIONAL USE PERMIT – CUP 2024-022 The applicant, Richard Davey, is proposing to construct a 347 sq. ft. detached accessory dwelling unit on a parcel with an existing 960 sq. ft. single family residence. The project is located at 4674 E Arena Road, Richland, WA 99352 in the Urban Growth Area Residential District. Parcel number 1-2098-101-1616-002.

VARIANCE PERMIT – VAR 2024-004 The applicants, Brad and Tera Seabaugh, are requesting a variance to install flood venting rather than elevating a proposed 2,080 sq. ft. addition to a detached shop in the Rural Lands 5 Acre District. The project is located at 67818 E Ranch Road, West Richland, WA 99353. Parcel number 1-3108-101-1541-002.

VARIANCE PERMIT – VAR 2024-005 The applicant, Knutzen Engineering on behalf of AirGas USA, LLC, is proposing to construct four railcar offloading structures within the Heavy Industrial District and is requesting a variance to reduce the required 30-foot. The project is located at

231808 E SR 397, Kennewick, WA 99337. Parcel number 1-2680-100-0029-000.

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 on or before **January 14, 2025**. 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 26th day of December, 2024.

PUBLICATION DATE: January 1, 2025

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager
Community Development Department