



**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  
David Kurth  
Variance to BCC 3.26.080(d)**

**HEM 1.2**

**FILE NO:** VAR 2025-002

**MEMO DATE:** June 2, 2025

**HEARING DATE:** June 20, 2025

**APPLICANT/ OWNER:** David Kurth, 54513 N River Rd, Benton City, WA 99320

**LOCATION:** General Location: Approximately .24 miles northeast of the intersection of River Rd and Massingale Rd in the Benton City area of unincorporated Benton County.  
Address: 54513 N River Rd, Benton City, WA 99320  
Legal: Lot 2 of Short Plat 2277  
Parcel Number: 1-0697-401-2277-002

**PROPERTY SIZE:** 8.91 acres

**AREA TO BE USED:** 3,000 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 applicant is requesting to deviate from BCC 3.26.080(d) to allow for the construction of an accessory building that exceeds the 400 square foot maximum area allowed to construct accessory structures utilizing wet-flood proofed standards in a Special Flood Hazard Area.

The applicant is requesting a variance to construct a 3,000 square foot accessory building in the A8 Zone 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 3,000 square inches which will meet 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 adjacent exterior grade.

**PUBLIC NOTICE:**

1. The application for VAR 2025-002 was submitted to the Benton County Planning Division on April 11, 2025. (HEM 1.3)
2. The application was declared complete for processing on April 17, 2025. (HEM 1.6)
3. The application documents were distributed to reviewing agencies on April 17, 2025. (HEM 1.7)
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2025-002 was published on June 4, 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 May 30, 2025.
6. The Open Record Hearing is scheduled for June 20, 2025. (HEM 1.11)

**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  
Section 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.

#### Section 3.26.040 Definitions

(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.

#### Section 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.

### Section 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.

### Section 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.

#### Section 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 April 17, 2025:
  - 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 #2
  - g. Kiona Irrigation District
  - h. Benton REA
  - i. City of Benton City
  
2. The Benton County Building Division provided the following comments:
  - a. The building must comply with all current Benton County Building and Fire codes.
  - b. Please contact Benton County Building Division at (509) 735-3500 for more information.
  
3. The following are the proposed conditions of approval from the Benton County Floodplain Administrator:
  - a. The applicant is proposing to vent a 3,000 sq. ft. (50'x60') shop building with gravel floor associated with Building Permit # 38965.
  - b. The top of bottom floor at an elevation of 459.10' as shown on the elevation certificate dated 4/4/2025 does not meet the minimum Regulatory Flood Elevation of 461.5'.
  - c. The applicant submitted updated construction plans 5/27/2025 showing 15 engineered flood vents to be installed in the structure which would equal 3,000 sq. inches of venting which meets the minimum required opening.
  - d. The following conditions must be met if the structure is to be flood vented:
    - The structure must be anchored to resist flotation, collapse, and lateral movement;
    - Any portion of the structure located below the Regulatory Flood Elevation of 461.5' must be constructed with flood-resistant materials;
      - i. The applicant shall provide a list of all materials proposed to be used below the Regulatory Flood Elevation of 461.5' to the Building Division prior to approval of the Variance or Flood Permit.
    - Any mechanical and utility equipment (electrical) must be elevated and floodproofed

- to or above the BFE of 460.5’;
  - 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.
    - ii. Per the elevation certificate submitted, 3,000 square inches of flood venting is proposed.
  - The bottom of all openings shall be no higher than one foot above the adjacent exterior grade.
  - e. A final elevation certificate is required to be submitted to the Planning Division prior to the final inspection.
  - f. If you have any question regarding these comments, please contact Michelle Mercer with the Planning Division at (509)786-5612.
4. The following are general comments and discussion points provided by the Benton County Planning Division for this application:
- a. The proposed structure is located in the Special Flood Hazard Area A8 Zone.
  - b. The proposed variance is the minimum necessary to afford the property owner relief from the utilization of his property for typical residential accessory uses permitted on the property.
  - c. The proposed variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - d. The proposed variance will not pose a danger that materials will be swept to other parcels as this is an area of ponding and the proposed structure is to be anchored.
  - e. The proposed variance will not increase the danger of life and property due to flooding or erosion damage.
  - f. The proposed structure has a low susceptibility to flood damage as the applicant is proposing a to flood vent a shop building.
  - g. Siting the proposed structure elsewhere on the property would not alleviate the potential to flooding.
  - h. The proposed structure is compatible with other accessory uses on residential properties in the area.
  - i. The proposed wet-floodproofing and venting construction methods would be consistent with other provisions found within the Flood Damage Prevention Ordinance, 3.26.
  - j. 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 2025-002 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 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 2025-002 was submitted to the Benton County Planning Division on April 11, 2025.
  - b. The application was declared complete for processing on April 17, 2025.
  - c. The application documents were distributed to reviewing agencies on April 17, 2025.
  - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application VAR 2025-002 was published on June 4, 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 May 30, 2025.
  - f. An Open Record Hearing is scheduled for June 20, 2025.
2. The applicant/owner is David Kurth, 54513 N River Rd, Benton City, WA 99320.
3. The property address is 54513 N River Rd, Benton City, WA 99320.
4. The parcel is located approximately .24 miles northeast of the intersection of River Rd and Massingale Rd in the Benton City area of unincorporated Benton County.
5. The parcel is approximately 8.91 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 A8 Zone 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 3,000 square feet in size with 3,000 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:

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) provided:
  - a. the structure must be anchored to resist flotation, collapse, and lateral movement;
  - b. the portions of the structure located below the BFE must be constructed with flood-resistant materials;
  - c. mechanical and utility equipment for the accessory structure must be elevated and floodproofed to or above the BFE;
  - d. the structure shall not be located in or encroach into a floodway;
  - e. 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 adjacent exterior 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;
  - f. 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
  - g. 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 flood conditions document for the new building.

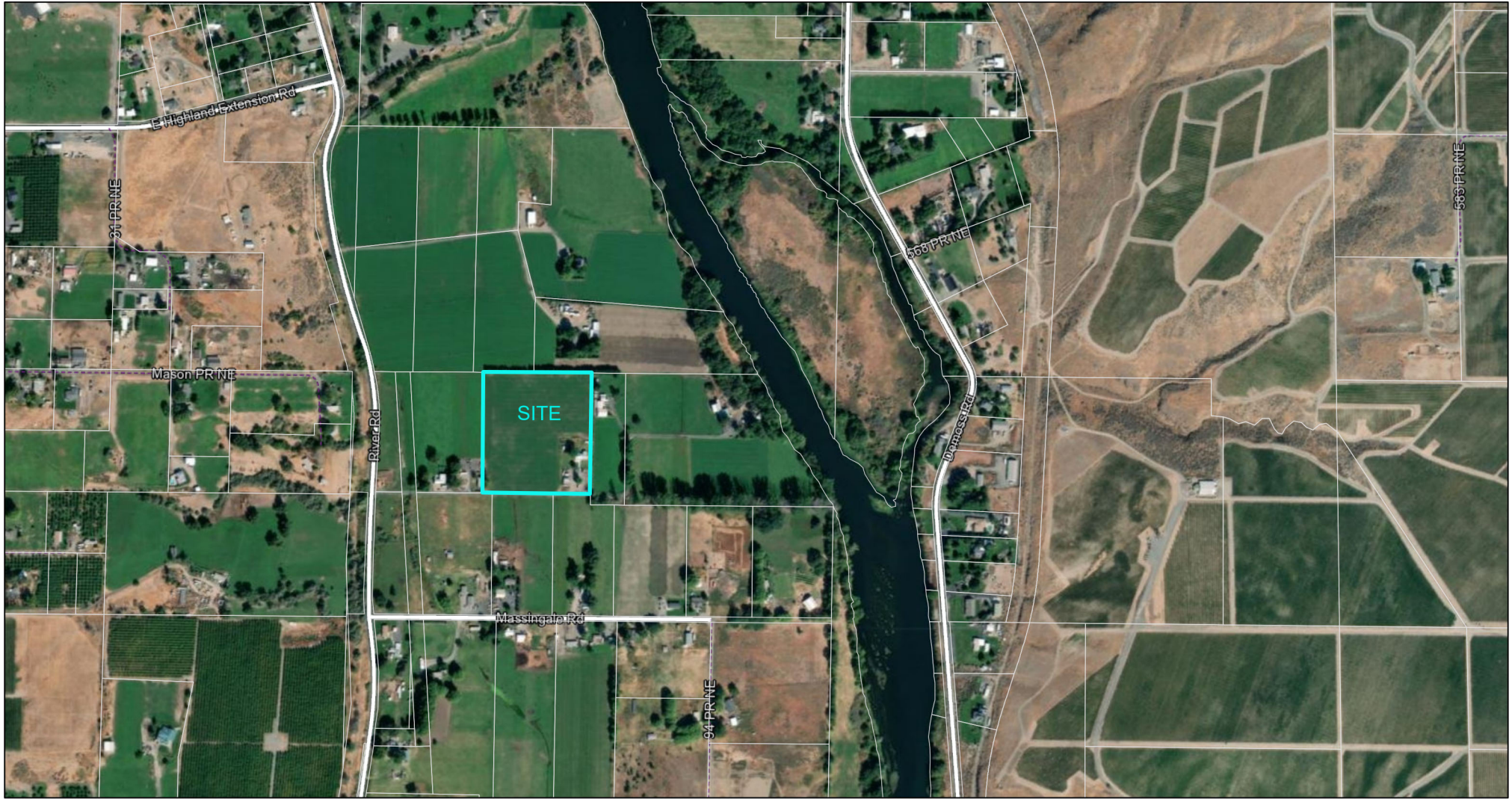
**TIME TO COMPLETE CONDITIONS OF APPROVAL:**

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.

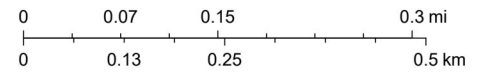
# VAR 2025-002 - Kurth - Vicinity Map

# HEM 1.2



4/11/2025, 1:58:27 PM

1:9,028



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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

File No. VAR 2025-002



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

Applicant/Agent:

Name(s): David Kurth  
Mailing Address: 54513th River Rd City: Benton city State: WA ZIP: 99320  
Phone #(s): 509-430-2525 Email: David.Kurth@csen-inc.com  
Signature: [Signature] Date: 4/11/25

Property Owner (if different from above):

Name(s) Same  
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:

Rogers Land Surveying Inc  
Mailing Address: 1455 Columbia Park trail suite 201 City: Richland State: WA ZIP: 99352  
Phone #(s): 509-783-4141 Email: dbaalman@rogerssurveying.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.

PARCEL INFORMATION

1. Subject property address: 54513 N River Rd City: Benton city

2. Parcel number: 1-0697-401-2277-002 Acreage: 8.9

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: NA ft. from the  Front  Rear  Side boundary line.

6. Describe the request and reason for the Variance: wet flood proof res. garage over 400<sup>sq</sup>

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 NA

9. What are the circumstances (lot size/shape, topography, structure size) that prevent compliance with required setbacks?  
excessive amount of fill needed to bring structure above flood plane + 1'

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

Yes  No If yes, please explain:

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

yes because of flood zone

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

2.5' of fill needed

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

15. Additional comments or information:

No

**(FOR STAFF USE ONLY)**

Access: Y N

Application Complete: Y N

Critical Areas: N Y: \_\_\_\_\_

Zoning: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_



# HEM 1.5

## ELEVATION CERTIFICATE

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>David C. Kurth</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>54513 N River Road</u>	Company NAIC Number: _____
City: <u>Benton City</u> State: <u>WA</u> ZIP Code: <u>99320</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>Lot 2 Short Plat 2277; APN 1-0697-101-2277-002</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>Accessory</u>	
A5. Latitude/Longitude: Lat. <u>46°17'32.97"</u> Long. <u>119°20'43.02"</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: _____	
A8. For a building with a crawlspace or enclosure(s):	
a) Square footage of crawlspace or enclosure(s): _____ sq. ft.	
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____	
d) Total net open area of non-engineered flood openings in A8.c: _____ sq. in.	
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): _____ sq. ft.	
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): _____ sq. ft.	
A9. For a building with an attached garage:	
a) Square footage of attached garage: _____ sq. ft.	
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: _____ Engineered flood openings: _____	
d) Total net open area of non-engineered flood openings in A9.c: _____ sq. in.	
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): _____ sq. ft.	
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): _____ sq. ft.	

## SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1.a. NFIP Community Name: <u>Benton County Washington</u>	B1.b. NFIP Community Identification Number: <u>530237</u>		
B2. County Name: <u>Benton</u>	B3. State: <u>WA</u>	B4. Map/Panel No.: <u>0440</u>	B5. Suffix: <u>B</u>
B6. FIRM Index Date: <u>06/15/1994</u>	B7. FIRM Panel Effective/Revised Date: <u>07/19/1982</u>		
B8. Flood Zone(s): <u>A8</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>460.5</u>		
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____			
B11. Indicate elevation datum used for BFE in Item B9: <input checked="" type="checkbox"/> NGVD 1929 <input type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____			
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA			
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON PAGES 9-19

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

54513 N River Road

City: Benton City

State: WA

ZIP Code: 99320

FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

## SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction

\*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, AO, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, A99. Complete Items C2.a–h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: SA1023 Vertical Datum: NGVD29

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929  NAVD 1988  Other: \_\_\_\_\_

Datum used for building elevations must be the same as that used for the BFE. Conversion factor used?

Yes  No

If Yes, describe the source of the conversion factor in the Section D Comments area.

Check the measurement used:

a) Top of bottom floor (including basement, crawlspace, or enclosure floor): \_\_\_\_\_ 459.10

feet  meters

b) Top of the next higher floor (see Instructions): \_\_\_\_\_

feet  meters

c) Bottom of the lowest horizontal structural member (see Instructions): \_\_\_\_\_

feet  meters

d) Attached garage (top of slab): \_\_\_\_\_

feet  meters

e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): \_\_\_\_\_

feet  meters

f) Lowest Adjacent Grade (LAG) next to building:  Natural  Finished \_\_\_\_\_ 458.10

feet  meters

g) Highest Adjacent Grade (HAG) next to building:  Natural  Finished \_\_\_\_\_ 459.20

feet  meters

h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: \_\_\_\_\_

feet  meters

## SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No

Check here if attachments and describe in the Comments area.

Certifier's Name: David Baalman

License Number: 41028

Title: Professional Land Surveyor

Company Name: Rogers Surveying Inc., P.S.

Address: 1455 Columbia Park Trail, Suite 201

City: Richland

State: WA

ZIP Code: 99352

Signature: [Signature]

Date: 4-4-25

Telephone: (509) 783-4141

Ext.: \_\_\_\_\_

Email: dbaalman@rogerssurveying.com



Place Seal Here

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including source of conversion factor in C2; type of equipment and location per C2.e; and description of any attachments):  
Two benchmarks were set on the site. A scribe in concrete NE corner of the concrete pad for an existing shop is elevation 459.10'. A scribe in the SE corner of a concrete walk to the front door of the existing house is elevation 459.84'.

**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

# HEM 1.6

April 17, 2025

David Kurth  
54513 N River Road  
Benton City, WA 99320

Email: [David.kurth@crem-inc.com](mailto:David.kurth@crem-inc.com)

RE: Written Determination of Completeness  
File Number: VAR 2025-002

Dear Mr. Kurth,

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 2025-002) 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 "Liz Koerner".

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



# HEM 1.7

April 17, 2025

Benton County Public Works Department  
Benton-Franklin Health District  
Benton County Fire District #2  
Benton County Building Division  
Benton County Fire Marshal  
Benton County Flood Plain Administrator  
Benton REA  
City of Benton City  
Kiona Irrigation District

**RE:** Variance Request  
**File #:** VAR 2025-002  
**Parcel #:** 1-0697-401-2277-002  
**Applicant:** David Kurth

The applicant is requesting a variance to allow for the installation of flood venting rather than elevating a proposed 3,000 sq. ft 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 **May 1, 2025**. Please reference file number **VAR 2025-002** in all correspondence.

*Thank you.*

*Benton County Planning Division*

**Nikki Relyea**

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**From:** Shane Elledge  
**Sent:** Thursday, April 17, 2025 3:46 PM  
**To:** Planning Department  
**Subject:** RE: Variance Application - David Kurth - VAR 2025-002

**HEM 1.8**

Good afternoon,

Public Works has no comments.

Thanks



**R. Shane Elledge** • *Engineering Associate I*  
**Benton County Public Works**  
102206 Wiser Parkway , Kennewick WA, 99338  
(509) 786-5611 Ext: 5531

---

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

**Sent:** Thursday, April 17, 2025 9:53 AM

**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Shane Elledge <Richard.Elledge@co.benton.wa.us>; Dylan Krantz <Dylan.Krantz@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>; Firechief@bcfpd2.org; Michelle Mercer <Michelle.Mercer@co.benton.wa.us>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; gress@ci.benton-city.wa.us; Kiona Irrigation District <kiid@owt.com>; Walter Nelson - Cascade Natural Gas Corp. <Walter.Nelson@cngc.com>; jody.adams@cngc.com

**Subject:** Variance Application - David Kurth - VAR 2025-002

Good morning,

Attached you will find the necessary application materials for David Kurth, who is requesting a variance to allow for the installation of flood venting rather than elevating a proposed 3,000 sq. ft. detached shop at 54513 N River Road in Benton City.

Please review and provide any comments by **May 1, 2025.**

Have a wonderful week,

**Nikki Relyea**

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**From:** Chris Cooke <ccooke@bentonrea.org>  
**Sent:** Monday, April 21, 2025 9:58 AM  
**To:** Planning Department  
**Cc:** Derek Miller  
**Subject:** RE: [External] Variance Application - David Kurth - VAR 2025-002

**HEM 1.9**

Good morning,

Benton REA has no comments.

Thank you and good day,

**CHRIS COOKE**

**Office:** 509-786-2913

**Direct:** 509-781-6735



6095 W Van Giesen St | West Richland, WA 99353

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, April 17, 2025 9:53 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Shane Elledge <Richard.Elledge@co.benton.wa.us>; Dylan Krantz <Dylan.Krantz@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>; Firechief@bcfpd2.org; Michelle Mercer <Michelle.Mercer@co.benton.wa.us>; Derek Miller <dmliller@bentonrea.org>; Chris Cooke <ccooke@bentonrea.org>; ggress@ci.benton-city.wa.us; Kiona Irrigation District <kiid@owt.com>; Walter Nelson - Cascade Natural Gas Corp. <Walter.Nelson@cngc.com>; jody.adams@cngc.com  
**Subject:** [External] Variance Application - David Kurth - VAR 2025-002

**This message came from outside of Benton REA.**

Good morning,

Attached you will find the necessary application materials for David Kurth, who is requesting a variance to allow for the installation of flood venting rather than elevating a proposed 3,000 sq. ft. detached shop at 54513 N River Road in Benton City.

Please review and provide any comments by **May 1, 2025.**

Have a wonderful week,

**From:** Michelle Mercer  
**Sent:** Monday, June 2, 2025 9:51 AM  
**To:** Planning Department  
**Cc:** Elizabeth Koerner  
**Subject:** RE: Variance Application - David Kurth - VAR 2025-002

**HEM 1.10**

Please see the Floodplain Administrator's comments below:

1. The applicant is proposing to vent a 3,000 sq. ft (50'x60') shop building with a gravel floor associated with Building Permit # 38965.
2. The top of bottom floor at an elevation of 459.10' as shown on the elevation certificate dated 4/4/2025 does not meet the minimum Regulatory Flood Elevation of 461.5'.
3. The applicant submitted updated construction plans 5/27/2025 showing 15 engineered flood vents to be installed in the structure which would equal 3,000 sq. inches of venting which meets the minimum required opening.
4. The following conditions must be met if the structure is to be flood vented:
  - a. The structure must be anchored to resist flotation, collapse, and lateral movement;
  - b. Any portion of the structure located below the Regulatory Flood Elevation of 461.5' must be constructed with flood-resistant materials;
    - i. The applicant shall provide a list of all materials proposed to be used below the Regulatory Flood Elevation of 461.5' to the Building Division prior to approval of the Variance or Flood Permit.
  - c. Any mechanical and utility equipment (electrical) must be elevated and floodproofed to or above the BFE of 460.5';
  - d. 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.
    - i. Per the updated construction plans submitted, 3,000 square inches of flood venting is proposed.
  - e. The bottom of all openings shall be no higher than one foot above the adjacent exterior grade.
5. A final elevation certificate is required to be submitted to the Planning Division prior to the final inspection.

For questions regarding flood requirements, please contact Michelle Mercer with the Planning Division at 509-786-5612.



**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 OPEN RECORD HEARINGS

# HEM 1.11

NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Hearings Examiner for Benton County, Washington. An open public record hearing for the below stated applications will be held on **June 20, 2025** at 10 a.m. via in person and virtual meeting format in the Meeting Room on the first floor of the Courthouse, 620 Market Street, Prosser WA. To find information on virtual attendance options, including streaming video, WebEx video conferencing and telephone, please visit [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice).

**CONDITIONAL USE PERMIT – 2025-005** The applicant, Darrin Lilly, is proposing to construct an 800 sq. ft. accessory dwelling unit on a parcel with an existing 5,524 sq. ft. single family residence. The project is located at 70405 E 713 PR NE, Richland, WA 99352.

**CONDITIONAL USE PERMIT – 2025-006** The applicant, Alma Aguirre, is proposing to operate a countertop fabrication business in an existing 1,728 sq. ft. shop on a parcel with an existing 1,341 sq. ft. single family residence. The project is located at 29304 S Gerards Road, Kennewick, WA 99337.

**CONDITIONAL USE PERMIT – 2025-008** The applicant, Karl Knobs, is proposing to convert an existing barn into a craft distillery with two guest suites to provide overnight lodging accommodation. The project is located at 23133 W Orcutt Road, Benton City, WA 99320.

**CONDITIONAL USE PERMIT – 2025-009** The applicant, Sandra Stredwick, is proposing to construct an 800 sq. ft. detached accessory dwelling unit on a parcel with an existing 3,552 sq. ft. single family residence. The project is located at 73027 N Grosscup Road, West Richland, WA 99353.

**VARIANCE PERMIT – 2025-002** The applicant, David Kurth, is requesting a variance to install flood venting rather than elevating a proposed 3,000 sq. ft. detached shop on a property with an existing 1,690 sq. ft. single family residence. The project is located at 54513 N River Road, Benton City, WA 99320.

Questions can be directed to the Planning Division at 509-786-5612 or at [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us). Written comments regarding the above applications must be received by **June 17, 2025** via email or submitted to the Planning Division office at the Public Services Building, 102206 E Wisner 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.

No individual with a disability shall be denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at a public meeting, please contact the Benton County Planning Division at least ten days prior to the meeting date to make arrangements for special needs.

Dated this 30th day of May, 2025.

PUBLICATION DATE: June 4, 2025

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager  
Community Development Department