

Planning Department  
P.O. Box 910  
1002 Dudley Avenue  
Prosser, WA 99350




Phone (509) 786-5612  
Fax (509) 786-5629  
planning.department@co.benton.wa.us  
co.benton.wa.us

DATE: October 3, 2018

MEETING DATE: October 15, 2018

TO: BENTON COUNTY HEARINGS EXAMINER

FROM: CLARK A. POSEY, ASSISTANT PLANNING MANAGER   
BENTON COUNTY PLANNING DEPARTMENT

RE: CONDITIONAL USE PERMIT – CUP 2017-002 (ANC Winery)

APPLICANT: Jerrod and Ali Boyle  
Alexandria Nicole Vineyard and Winery  
158422 W. Sonova Road  
Patterson, WA 99345

PROPERTY OWNER: Jerrod and Ali Boyle  
2880 Lee Road, Suite C  
Prosser, WA 99350

### EXTENSION REQUEST FOR ADDITIONAL TIME TO FINISH PROJECT

This Conditional Use Permit application was approved by the Benton County Hearings Examiner April 27, 2017. Attached is a letter from property owner Ali Boyle that describes the progress to date and an explanation of why they need this additional one-year extension. Below are the original findings of fact and the twelve (12) original conditions approved by the Benton County Hearings Examiner.

#### FINDINGS OF FACT

Based on the application and information received the planning staff makes the following findings.

**SPECIFIC REQUEST:** The applicant is applying for a conditional use permit in conjunction with an established winery and tasting room on adjoining parcels of (A) 1-3254-101-2772-015, (B) 1-3254-100-0000-002, (C) 1-2954-400-0001-001, & (D) 1-2854-300-0001-001.

#### BACKGROUND:

Site Location: The site is located at 158422 W. Sonova Road, Patterson, WA 99345 in Sections 28, 29 and 32 in Township 5 North, Range 24 East, W.M.

Land Use: The site is currently developed with an 8400 SQ. FT. building with a meeting room, kitchen/catering area, dining area, barrel storage, wine cellar a bride, groom, and wedding party dressing rooms for weddings and wine club release parties. Approximately 10 events per year. This building is not used for a wine production facility. In addition to the main structure a 60 X 100 sq. ft. white vinyl tent that will be utilized adjacent to the estate building and taken down when the outdoor event season concludes. Surrounding properties are developed for residential

and agricultural purposes including vineyards and irrigated crop circle farming. Closest neighbor is 2 miles away. Parcel 1-2854-300-0001-001 has 2 buildings of 3000 sq. ft. that are used for wine production, barrel storage, dry storage, on-site tasting room and associated business offices which are all uses permitted outright in the GMA-AG Zoning District. This area is also associated and will be accessory to the wedding and event center.

This parcel of land is 2.35 acres with the total area of the entire property of 327 acres with 265 + acres planted in wine grapes.

Zoning: The site and surrounding properties are zoned GMA Agriculture.

Comprehensive Plan Designation: Site and surrounding areas are designated "Agriculture".

The following are the original conditions of approval.

### CONDITIONS OF APPROVAL

1. Applicant shall not conduct any of the activities within the scope of Conditional Use Permit 2017-002 until they are in compliance with all the conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions have been completed. The Planning Department shall not issue the conditional use permit until those conditions have been met. The conditional use permit shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the conditional use permit within one (1) year from the time the Hearings Examiner conditionally approved the conditional use permit, the Hearings Examiner may declare its approval null and void at a regular Hearings Examiner meeting. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.
3. One advertising sign shall be allowed in connection with the activity taking place on-site. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-001 is in effect.
4. Days of operation as requested shall be Thursday through Sunday 8:00 a.m. to 10:00 p.m. The applicant shall continue to meet all such requirements while Conditional Use permit 2017-001 is in effect.
3. All requirements of the Benton-Franklin Health District regarding on-site sewage disposal and public water supply must be approved prior to using the facility and must stay in compliance while CUP # 2017-001 is in effect.
4. Any improvements to existing buildings and any new construction on the properties must be permitted and approved by the Benton County Building Department.
5. All food associated with the event center shall be catered unless an approved kitchen facility is licensed, inspected, and approved by the Benton Franklin Health District. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-001 is in effect.

6. Benton county code does not allow a stand-alone "Tasting Room" without a winery on site, BCC 11.04.020(165)
7. No more than three vehicles marked to identify the non - agricultural accessory use may be on the parcel at any time. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-001 is in effect.
8. On-street (inside the road right of way) sign posting is prohibited, and no sign outside a road right of way may interfere with the line of site for any road intersection. The applicant has requested 1 sign of 5 X 8 feet. If approved the Planning Department would recommend only allowing one sign to be visible from the road. Such requirement will be enforced while Conditional Use Permit 2017-001 is in effect.
9. The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the activity pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from any local, state, or federal regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-001 is in effect.
10. That any waste created in association with the business as a result of this conditional use permit must be disposed of off-site in a timely manner and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-001 is in effect.
11. The conditional use permit for this portion of the event facility is **not** transferrable. If this parcel is sold to another party. The new owner(s) must re-apply for any activity not permitted outright being proposed on this parcel and must meet the current zoning requirements in force at the time of the property transfer.
12. **The Conditional Use Permit activity approved on this parcel 1-3254-101-2772-015 and associated parcels in conjunction with CUP 2017-002 is not transferrable. If this parcel is sold separate from the other contiguous parcels associated with Alexandra Nicole Cellars winery, a new conditional use permit would need to be applied for and approved and would have to meet the current zoning requirements for that parcel. The current permits associated with the contiguous parcels under the ownership of Alexandra Nicole Cellars would not be affected.**

The Planning Department would support an extension of one year.

## April Brown

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**From:** Ali Boyle <ali@ancwines.com>  
**Sent:** Thursday, August 16, 2018 3:13 PM  
**To:** April Brown  
**Cc:** Jerrod MacPherson; Clark Posey; jarrodb@ancwines.com  
**Subject:** Re: Fulfillment of Conditions for Conditional Use Permits 2017-001 & 002

April,

Thanks for taking the time to chat with me yesterday.

Please accept this email as our official response to CUP 2017-001 & 002, both of which we are hoping can be extended. Currently, we have been in a holding pattern while we await the updated Benton county rcw's in the hopes that it will make it easier for us to know how to proceed. Below, I've tried to address the final decision items by number but please feel free to reach out to us if you have additional questions.

Regarding the decision Estate at Destiny Ridge CUP 2017-001.

1. Completed
2. Completing it (late) with this letter. I truly apologize for the delay.
- 3-4. No progress until we make a decision on how best to utilize the facility.

Regarding the decision Alexandria Nicole Cellars Vineyard and Winery CUP 2017-002.

1. Completed
2. Completing it (late) with this letter. I truly apologize for the delay.
- 3-4. No progress until we make a decision on how best to utilize the facility.

Sent from my iPhone

On Jul 12, 2018, at 12:21 PM, <jarrodb@ancwines.com> <jarrodb@ancwines.com> wrote:

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, July 12, 2018 12:00 PM  
**To:** jarrodb@ancwines.com  
**Subject:** Fulfillment of Conditions for Conditional Use Permits 2017-001 & 002

Mr. and Mrs. Boyle,

As you know, the Hearings Examiner approved your applications to operate an event center at Destiny Ridge on April 27, 2017. Attached are the decisions for those two applications that list out numerous conditions that were to be met before we could issue the actual permit.

One of the conditions is that you must provide this office with notification in writing that all of the conditions of approval have been met. This notification was due April 27, 2018. As of today's date, we haven't received anything from you that confirms you have met the conditions of approval.

If you need more time to meet all of the conditions in the Hearings Examiner's decision, you can request an extension to give you more time to do so. If you need any extension, please email us a detailed report of what remains to be done and how long you would need to complete them. We will then put it before the Hearings Examiner at the next hearing to determine how long of an extension she will give you.

If you have completed all of the conditions as set forth in the two decisions, please provide us with written verification of such and we can issue the Conditional Use Permits and close your files.

If you have any questions, please do not hesitate to call or email our office.

<image003.png>Thank you!

April Brown,  
Office Assistant III  
Benton County Planning Department  
PO Box 910 Prosser WA 99350  
(509) 786-5612  
[Website](#)

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<CUP 2017-001 & 002.pdf>