

**EXHIBIT LIST FOR CUP 2022-012
Stacey Gringas/Craig Huff - Farmstand**

Hearings Examiner Staff Memo Exhibit List - August 19, 2022 hearing		
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STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER
Craig Huff
Agricultural Stand

HEM 1.1

FILE NO: CUP 2022-012

MEMO DATE: November 7, 2022

HEARING DATE: November 18, 2022

APPLICANT: Craig Huff, 38206 N Sunset Rd, Benton City, WA 99320

OWNER: Stacey Gringas and Craig Huff

LOCATION: General Location: The property is located approximately 400 feet North of the intersection of Kim Ln and Sunset Rd approximately 1 mile East of the city of Benton City Washington.

Situs Address: 38206 N Sunset Rd Benton City, WA 99320

Abbreviated Legal: Lot 1 of Short Plat 0351: Less the East 30 feet to Benton County for road Right of Way, Section 17, Township 09, Range 27

Parcel Number: 1-1797-101-0351-001

PROPERTY SIZE: Approximately 2.45 acres

AREA TO BE USED: A temporary 100 square foot canopy and approximately 7 parking spaces

LAND USE: Agricultural and Residential

ZONING: Red Mountain Agricultural District

COMPREHENSIVE PLAN DESIGNATION: Growth Management Act Agricultural

RECOMMENDATION:

The Planning Division recommends approval of the application request, subject to the suggested eleven (11) Findings of Fact and six (6) Conditions of Approval as outlined in this Staff Report.

APPLICATION DESCRIPTION:

The applicants are requesting a Conditional Use Permit to operate an agricultural stand for the sale of produce, cut flowers, and nursery stock grown on site. The agricultural stand will operate either under a temporary 10'x 10' canopy or within an approximately 10' x 20' gazebo style prefab building. If a temporary canopy is utilized, the canopy will be disassembled and stored outside of business hours.

The subject property is 2.45 acres within the Red Mountain Agricultural District (RMAD) zoning district and

currently utilized for residential uses and small-scale agricultural production. The site includes a 2,744 square foot single family dwelling with several accessory buildings not to be utilized for the agricultural stand operation. The retail area will be located in the southeast corner of Lot 1 of Short Plat 0351.

The proposal includes a primary parking area with 7 stalls/parking spaces, an overflow parking area with 10 spaces, a retail canopy or building, and a small removable 2' x 3' sandwich-board sign to be placed near the property entrance during business hours. There is one employee proposed to be onsite during retail hours and those employees will have access to the single family dwelling for sanitary needs. There are no plans to provide public restroom facilities at this time.

The business is proposing varying seasonal hours as production and weather allows. For the remainder of 2022 they are proposing to operate Saturdays for approximately 6 hours with hours increasing in 2023. The 2023 season hours of operation are proposed to be Sunday, Wednesday, and Saturday for 6-8 hours April through December.

The application for CUP 2022-012 was submitted to the Benton County Planning Division on September 22, 2022.

The application for CUP 2022-012 was declared complete for processing on October 4, 2022.

The application documents for CUP 2022-012 were distributed to reviewing agencies on October 14, 2022.

The Benton County Hearings Examiner Notice of Open Record Hearing was published on November 2, 2022, in the Prosser Record Bulletin.

The Notice of Hearing was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on October 29, 2022.

The Open Record Hearing is scheduled for November 18, 2022.

APPLICABLE STANDARDS/ORDINANCES:

1. *Benton County Comprehensive Plan*
3.3.2.5 Agricultural Land Use Designation
GMA Agriculture (GMA AG) includes agricultural land (such as dryland and irrigated land) identified by the County based on the criteria established by the GMA. A GMA Agricultural District zone conserves agricultural lands by establishing a 20-acre minimum parcel size and (with exceptions e.g., resort destinations, wineries) limits the range of other land uses to those which are dependent upon, supportive of, ancillary to, or compatible with, agricultural production as the principal land use.
2. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.03 Definitions
Section 11.03.010 (10): Agricultural Stand
Agricultural Stand means a structure up to 1000 square feet in area used for the retail sale of agriculture products, excluding livestock, grown on the premises.
3. *Benton County Code (BCC)*
Title 11 Zoning
Chapter 11.19 Red Mountain Agricultural District (RMAD)

Section 11.19.070 Uses Requiring a Conditional Use Permit

Agricultural stands, as defined under BCC 11.03.010(10), on a parcel at least two (2) acres in size but less than twenty (20) acres.

4. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.50 Variance and Conditional Use

Section 11.50.040 Conditional Use - General Standards

The conditional use permit application process allows the Hearings Examiner to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Hearings Examiner to ensure that development in each zoning district protects the integrity of that district. The notice, hearing, decision, and enforcement procedures are as set forth herein and in BCC 11.50.050.

Certain uses are classified as conditional uses because of their unusual nature, infrequent occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure, or adjacent properties, and/or possible safety hazards and other similar reasons.

Once granted, a conditional use permit may be transferred by a holder thereof after written notice to the Hearings Examiner; provided the use and location must remain the same and the transferee must continue to comply with the conditions of the permit and, if applicable, the requirements set forth in Chapter 11.51 BCC.

Section 11.50.040 (d) Conditional Use – Permit Granted or Denied

A conditional use permit shall be granted only if the Hearings Examiner can make findings of fact based on the evidence presented sufficient to allow the Hearings Examiner to conclude that, as conditioned, the proposed use:

- (1) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- (2) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (3) Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (4) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- (5) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made. If such evidence is not presented or all necessary reasonable conditions are not identified by the applicant so as to allow the Hearings Examiner to make the conclusions required above, the conditional use application shall be denied.

In addition to considering the impacts of the proposed use, the Hearings Examiner must also consider any evidence presented regarding any similar impacts of uses allowed outright in this zone, and if such evidence is received, compare those impacts to those of the proposed use.

If negative impacts are identified, the Hearings Examiner must try to identify reasonable conditions that would mitigate those impacts sufficiently to allow the Hearings Examiner to make the findings necessary to grant the permit. The applicants may be asked to identify reasonable conditions, but the Hearings Examiner may independently identify conditions. Further, an applicants' disagreement with a particular condition should not dissuade the Hearings Examiner from granting the permit with such condition(s), as opposed to outright denial, if the Hearings Examiner is able to conclude that the condition(s) is/are reasonable in their judgment.

PUBLIC NOTICE:

The public notice requirements for this application as per BCC 11.50.050(b) are as follows:

1. The Planning Division shall provide written notification for an open record hearing, subject to the rules and regulations set forth in RCW 36.70. Written notice shall be mailed at least twelve (12) days in advance of the open record hearing to the applicant and the owner of the parcel(s) to which the proposed variance or conditional use permit would apply, and to all owners of real property, as shown in the records of the Benton County Assessor, located within a distance of three hundred (300) feet of any portion of the applicable parcel, provided that if the owner of the parcel for which the proposed variance or conditional use permit is requested owns another parcel or parcels adjacent the parcel at issue, notification shall be mailed to owners of real property located within three hundred (300) feet of any portion of such adjacent parcels as well. Failure to receive the notice shall not invalidate any proceedings or decision in connection with the proposed variance or conditional use permit. Notices addressed to the last known owner of record as shown on the County Assessor's records shall be deemed proper notice to the owner of such property; and,
2. By publication of a legal notice in a newspaper of general circulation in the County at least ten (10) days prior to the open record hearing date.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on October 14, 2022:
 - a. Benton County Building Division
 - b. Benton County Code Enforcement
 - c. Benton County Fire District #2
 - d. Benton County Fire Marshal
 - e. Benton County Public Works Department
 - f. Benton-Franklin Health District
 - g. Benton REA
 - h. Benton PUD
 - i. Kennewick Irrigation District
 - j. Washington State Department of Transportation
2. The following comment was received from the **Benton County Fire Marshal**:
 - a. Any and all awnings must remain open sided during normal business hours to allow the orderly escape of customers or clients in case of emergency.
 - b. For further information please contact Clark Posey at (509) 735-3500.
3. The following comment was received from the **Kennewick Irrigation District**:
 - a. This parcel is within the Kennewick Irrigation District (KID) boundaries, but is not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.

- b. Please note that permanent structures are not allowed within irrigation easements.
 - c. Please protect all existing irrigation facilities.
 - d. For further information please contact Daniel Tissel at (509) 586-9111.
4. The following comment was received from the **Benton County Public Works Department**:
- a. The proposed sign shall be installed outside of the road right of way.
 - b. Contact the Public Works Department for help locating the road right of way if necessary.
 - c. For further information please contact Cristina Woods at (509) 786-5611.
5. The **Benton Franklin Health District** has no concerns so long as employees have access to a bathroom. There is no requirement to have to have restrooms for customers for a roadside stand.
- a. For further information please contact JoDee Peyton at (509) 460-4318.
6. The following are comments from the **Benton County Planning Division**:
- a. Requirements for signage are detailed within *Benton County Code (BCC) Chapter 3.06 Uniform Sign Code*.
 - b. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified on this property. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.

FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

The following suggested 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 public hearing for this application will need to be considered by the Hearings Examiner and may be added to the Findings of Fact and Conditions of Approval. 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.

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

SUGGESTED FINDINGS OF FACT:

1. The applicant is Craig Huff, 38206 N Sunset Rd, Benton City, WA 99320.
2. The applicants are requesting a Conditional Use Permit to operate an agricultural stand on Lot 1 of Short Plat 0351 which is approximately 2.45 acres.
3. The property is located in unincorporated Benton County, approximately 400 feet North of the intersection of Kim Ln and Sunset Rd approximately 1 mile East of the city of Benton City Washington.
4. The property is zoned Red Mountain Agricultural District (RMAD).
5. Surrounding land uses are similar in nature to the applicant's current primary agricultural use of the property: agricultural uses are the primary land use on all nearby parcels.
6. The application for CUP 2022-012 meets the intent and standards of the Benton County Comprehensive Plan.
7. The application for CUP 2022-012 meets the definition, requirements, and standards of the Benton County Code, Title 11.
 - a. The agricultural stand is on a parcel that is at least two (2) acres in size but less than twenty

(20) acres.

- b. The agricultural stand will be a structure up to 1000 square feet in area used for the retail sale of agriculture products, excluding livestock, grown on the premises.
8. There are no designated critical areas on this property. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
9. Public notice requirements have been met for CUP 2022-012.
10. Agency comments were received from:
 - a. Benton County Fire Marshal
 - b. The Kennewick Irrigation District
 - c. The Benton County Public Works Department
 - d. Benton Franklin Health District
 - e. Benton County Planning Division
11. There were no comments received from the public.

SUGGESTED CONDITIONS OF APPROVAL:

1. The ongoing activities on the site shall comply with the submitted site plan and materials submitted for this application including but not limited to:
 - a. The parcel on which the agricultural stand is permitted shall continually meet the following:
 - i. The agricultural stand is on a parcel that is at least two (2) acres in size but less than twenty (20) acres.
 - ii. The agricultural stand will be a structure up to 1000 square feet in area used for the retail sale of agriculture products, excluding livestock, grown on the premises.
2. All required development permits/approvals shall be obtained prior to issuance of the Conditional Use Permit. This includes approval of permits required by the following agencies, as applicable:
 - a. Benton County Building Division
 - b. Benton County Fire Marshal
 - c. Benton County Public Works
 - d. Benton County Planning Division
 - e. Benton Franklin Health District
3. The applicant will meet and comply with *Benton County Code 3.06 Sign Code*. Off-site signage will not be permitted.
4. Vehicle parking associated with the activities on the property shall be accommodated on the site. No vehicle parking is allowed in the County right of way.
5. The business shall comply with *Benton County Code Title 11* for the life of the conditional use.
6. Future construction or activities associated with this business operation require review under the Benton County Zoning Ordinance. Applicants shall contact the Planning Division prior to any construction or changes in activities on site.

TIME TO COMPLETE CONDITIONS OF APPROVAL:

The applicant shall have one year to meet the Conditions of Approval.

If the conditions of approval have not been met and the Planning Division does not issue the Conditional Use Permit within one (1) year from the date of this decision, the Hearings Examiner may declare it null and void. 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.

TRANSFERABILITY:

This Conditional Use Permit is transferrable by a holder. If a new property owner wishes to have an agricultural stand, the new owner must update the Conditional Use Permit application, accept the Conditions of Approval in writing, and be approved by the Planning Manager prior to transfer of the permit being allowed.

VIOLATIONS OF CONDITIONS OF APPROVAL:

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2022-012 is in effect.

Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with notice as set forth in BCC 11.50.050(b), as amended. This condition does not foreclose the County's use of other enforcement mechanisms.

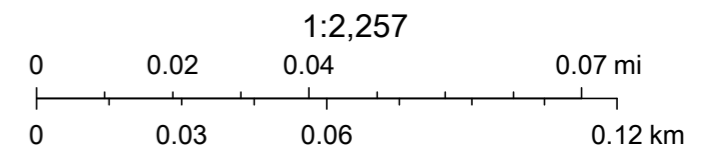
CUP 2022-012 VICINITY MAP

HEM 1.2



10/27/2022, 10:32:12 AM

Parcels_and_Assess



Google Inc

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division

(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

HEM 1.3

October 4, 2022

Craig Huff
38206 N Sunset Road
Benton City, WA 99320

Via Email: craig.huff@gmail.com

RE: Written Determination of Completeness
File Number: CUP 2022-012

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit to allow you to operate an agricultural stand in Red Mountain Ag zone. The Planning Division has determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2022-012) 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 during the review process. If additional information is required, it will need to be submitted to our office before the item can be heard at the hearing before the Hearings Examiner. Prior to any hearing on your project, you will receive a public hearing notice and a staff memo.

Additional information and/or permits may be required from other agencies including, but not limited to, the Benton County Building Department, the Benton-Franklin Health District, the Benton County Public Works Department, or the Washington State Department of Health.

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

Sincerely,

Michelle Cooke, Planning Manager
Benton County Community Development Dept.
Planning Division

Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division

(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

HEM 1.4

October 14, 2022

Benton County Building Division
Benton County Code Enforcement
Benton County Fire District #2
Benton County Fire Marshal
Benton County Public Works Department
Benton-Franklin Health District
Benton REA
Benton PUD
Kennewick Irrigation District
WSDOT

RE: Agency review of Conditional Use Permit application
File #: CUP 2022-012
Parcel #: 1-1797-101-0351-001
Applicant: Horse Heaven Supply

Attached is a Conditional Use Permit application for your agency's review.

The applicant has applied for a Conditional Use Permit to operate a farm stand at 38206 N Sunset Road Benton City, WA 99320.

PLEASE SUBMIT YOUR COMMENTS regarding the Conditional Use Permit by email to planning.department@co.benton.wa.us by October 28, 2022.

Please reference file number **CUP 2022-012** in all correspondence.

If you have any questions or need more time to review the application, please contact the Planning Division at (509) 786-5612 or to the email above.

Thank you!
Benton County Planning Division



HEM 1.5

NOTICE OF OPEN RECORD HEARING

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

CONDITIONAL USE PERMIT-- CUP 2022-012, APPLICANT: Craig Huff The applicant is requesting a Conditional Use Permit to operate a farm stand for the sale of produce, cut flowers, and nursery stock in at 38206 N Sunset Road in Benton City, Washington on parcel number: 117971010351001.

NOTICE IS GIVEN that the Benton County Hearings Examiner will hold an open record public hearing on **Friday November 18, 2022, at 10 a.m.** for the above stated application. The hearing will be held in-person and virtually/telephonically via Webex at the Planning Hearing Room, Benton County Courthouse, 1st Floor, 620 Market Street, Prosser, WA 99350. **The Planning Hearing Room can only be accessed via the Main Street (east) side of the building.** To find information on attendance & testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>

Anyone may participate in the hearing 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 (care of the Planning Division) on or before the date of the hearing. Written comments can be emailed to planning.department@co.benton.wa.us or dropped off at the Planning Division office or mailed to: Benton County Community Development Department-Planning Division, ATTN: Hearings Examiner P.O. Box 910 Prosser, WA 99350. 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, planning.department@co.benton.wa.us, P.O. Box 910 Prosser, WA 99350, 102206 E. Wisner Parkway, Kennewick, WA 99338 or 620 Market Street, First Floor, Prosser, WA 99350.

Dated this 28th day of October 2022

SUSAN E. DRUMMOND
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager
Community Development Department

PUBLICATION DATE: November 2, 2022

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

CONDITIONAL USE PERMIT APPLICATION

File No. CUP2022-012

RECEIVED

SEP 22 2022

Benton Co. Planning Dept.
11.19.070(s)

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent: Craig Huff
Mailing Address: 38206 N Sunset Rd City: Benton City
State: WA ZIP: 99320 Phone: 509-619-8176 Work: _____
Email Address: craig.huff@gmail.com
Signature: _____ Date: 7-13-2022

Property Owner(s) (if different): Same
Mailing Address: _____ City: _____
State: _____ ZIP: _____ Phone: _____ Work: _____
Email Address: _____
Signature: [Signature] Date: 9/21/22
Signature: _____ Date: _____

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

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 law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

PARCEL INFORMATION

1. Subject property address: 38206 N Sunset Rd

City: Benton City State: WA ZIP: 99320

2. Parcel number: 1 - 1 7 9 7 - 1 0 1 - 0 3 5 1 - 0 0 1 3. Acreage: 2.45

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

5. Utilities: Power: Benton PUD Benton REA

Sewer: Septic Tank City Sewer: (Provider) _____

Water: Individual Wells One well serving 2-4 lots One well serving 5+ lots

Private System (Provider & Address) _____

City System (Provider) _____

Gas: No Yes: (Provider) _____

Cable: No Yes: (Provider) _____

Phone: No Yes: (Provider) _____

Irrigation: No Private District: (Provider) _____

6. Present use of property: Residential/Market Garden

7. What is the proposed use? Farm Stand Sales of ~~produce items~~
agricultural products grown on site

8. Will only one detached building to be used for the proposed use? Yes No *No building only awnings*

9. Will the project be conducted entirely inside of a building? Yes No
If no, explain what outdoor activities would occur: Outdoor sales tables

10. What is the total area, including storage that will be used? 2/3 Acre

11. Does one of the business proprietors own/lease the property where the proposed business is located? Yes No

12. Is there a residence on site? Yes No

a) Does one of the proprietors live in the residence on site? Yes No

13. Total number of employees (who do not live on site)? 1 (nephew)

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

14. Proposed days and hours of operation (including employee hours)?

Days: Saturday and Sunday Hours: 10am-6pm

a) Will the operation be seasonal? Months of operation: Yes April-December

15. Will you have a sign? Yes No

If yes, please answer the following and attach a drawing of the proposed signage

a) Number of sign(s)? 2

b) Height of sign(s)? 3 ft

c) Dimensions of sign(s)? 2'x3' Breadboard style

d) Location of sign(s)? NE corner and south of parking entrance

e) Will the sign(s) be illuminated? Yes No

16. How many vehicles will be labeled to identify the proposed use? 0

17. How many parking spaces will be provided? Existing: 0 Proposed: 16 Surface Type: Gravel

18. What is the name of the access road to the property? Sunset Rd

a) Is the road a: County Road State Highway Private Road

b) Is the road constructed out of: Pavement Gravel

19. Is any outdoor lighting proposed? Yes No

a) Where will it be located? _____

20. Are you proposing any site screening and/or fencing?

Yes (If yes, please show on site plan map) No

a) What type and where will it be located? _____

21. Additional comments or information: We are utilizing a non-permanant awning for our sales area

IF FURTHER EXPLANATION IS NEEDED FOR ANY OF THE QUESTIONS PLEASE ATTACH ADDITIONAL PAGES.

(FOR STAFF USE ONLY)		Application Complete:	Y	N
Critical Areas:	N	Y:	_____	
Reviewed by:	_____		Date:	_____

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



2700

1800

1117

10x10

129

126

Per 124

90

Sishm

Buggirl's Garden and Mercantile, LLC**Business Plan for Red Mt. Farmstand**

Buggirl's Garden is a small farm and nursery business, established in 1997. Over the past 25 years, we've sold our produce, plants, and cut flowers at the Prosser Farmers Market, Kennewick Downtown Market, Richland's Market at the Parkway, 3-Eyed Fish Farmers Market, Sunnyside Farmers Market, and Benton City's various attempts at Farmers markets, as well as a wide variety of special events. During this time, we've built up a large and loyal clientele that is centered in the lower Yakima Valley and Tri Cities areas. We would like to open a farmstand on our property on Red Mt. in Benton City to better service these customers and to collaborate with our winery business neighbors to bring additional visitors to the AVA.

We have spent the past 3 years working with our Red Mt. AVA and the Benton County Planning Department to rezone the area to allow farm stands on smaller acreages. Though the rezoning was completed this summer to allow this use on our acreage size, there was a misunderstanding in code interpretation (definition of "farmstand") that limits our initial plans on how we intended to run our business at this site. Due to this, we will delay full implementation of our farmstand and mercantile until further work is done through Benton County, and will only run a simple, impermanent pop-up booth with limited product in the interim which fits the current "farmstand" definition. Therefore, the business plan we are currently submitting is a temporary "fix" to allow us to operate in some capacity while further rezoning work is done. This business plan will cover the 2022 (current)-2023 (December) season and aligns with the currently restrictive definition of "farmstand".

Business Structure:

Buggirl's Garden is an LLC which is co-owned and operated by Gary and Suni Ballard and Stacey Gingras, their daughter. The owners finance, produce, and

provide the labor for the operation. Gary manages tree fruit production, Suni manages nursery plant production, and Stacey manages row crop production and marketing/advertising. Additionally, Stacey's husband, Craig Huff, manages logistical aspects of cultivation and is involved in marketing. Other family members help with harvest and in running market booths. Because the owner/growers are also the faces that Buggirl's customers interact with on a weekly basis, we've been able to establish long and loyal relationships with our customers. We have control over the quality of our products from seed to final commodity through our direct sales method, and have become well-known in the area for providing these high-quality products.

Buggirl's Garden has always been self-sustaining. Income from a previous season is rolled over to purchase plant material and supplies for the following season. We have never had to bring in outside financing in order to operate, and do not expect to need to in future.

In a typical year, sales begin with nursery stock at the end of April. We are generally inactive between January and March. We continue sales of nursery plants and produce throughout the growing season until our stocks are gone, which is typically around the Thanksgiving holiday.

Hours of Operation and Farmstand Set-Up

As this is an interim operation and there is no guarantee that we'll be able to open the mercantile we'd hoped to build, for this season and until that rezoning process is completed, we will operate under impermanent structures, including pop-up canvas tents and/or small gazebo style pre-fab buildings.

We have created a graveled parking lot that holds up to 7 standard-sized vehicles at once in front of the farmstand space. Additional overflow parking spaces will be available in an adjacent graveled lot which will hold up to 10 more vehicles. The entryway from Sunset Rd. is paved and forms a loop, so larger campers/RVs would be able to pull in and around with ease.

We are currently planning on limited hours of operation for the remainder of 2022: Saturdays from 10-mid afternoon, as weather allows. For the 2023 season, we will increase hours of operation to 2-3 days of the week (the current plan is Wednesday, Saturday, Sunday) with 6-8 hours of open time on those days. We plan to continue using our social media business page to advertise days and hours of operation, as it has worked very well for us previously. Depending on customer feedback, we may adjust hours and days of business in 2023.

Additional Points of Concern:

During operating hours, small sandwich-board style signage is placed out on our property's roadside easement to help direct customers to parking. This signage does not impede visibility for commuters or for neighbors.

We had contacted the Benton County Health Department last spring in regards to providing public toilets for farmstands - this was back when we had planned to erect a small building (950 ft²). They said that a running water toilet was not required (in fact, they had never heard of such a thing for farmstands and that the closest scenario that would require one was a farming operation that employed 20+ employees - in that case a bathroom facility would be required). Given the fact that our employees are family members and have full access to the house on the property, that we are only setting up temporary structures that will be taken down after sales hours, and that our customers stay on site for an average of only 10-15 minutes, we do not plan on providing public toilet facilities during 2022-2023.

We carry all of the appropriate licensure necessary to operate in the capacity that we do, including a WA State business license, a WA State nursery license, a WA State scale handler's license, and Benton County food handler's cards. In past, we have also held a WA State egg handler's license, but it is not necessary for selling

eggs off of the property they were produced, so we have discontinued that license.

Andrea Watts

From: Clark Posey
Sent: Friday, October 14, 2022 3:23 PM
To: Andrea Watts
Subject: RE: Agency review request (CUP 2022-012)

File #: CUP 2022-012
Parcel #: 1-1797-101-0351-001
Applicant: Horse Heaven Supply

Fire Marshal Comments for CUP # 2022-012

Any and all awnings must remain open sided during normal business hours to allow the orderly escape of customers or clients in case of emergency.

Thank you,

Clark

From: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Sent: Friday, October 14, 2022 2:51 PM
To: Planning Department <Planning.Department@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; WA Dept of Transportation - Paul Gonseth <Gonsetp@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Elizabeth.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Rick Sunford <sunfordr@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD Jeff Vosahlo <vosahloj@bentonpud.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>; seand@bfhd.wa.gov; Fire District #2 - R. Duncan <rduncan@bcfcpd2.org>; development@kid.org; JoDee Peyton <Jodeer@bfhd.wa.gov>
Subject: Agency review request (CUP 2022-012)

Good afternoon,

Attached are the application materials related to a Conditional Use Permit application from Craig Huff for a farm stand on parcel number 117971010351001.

Please have any comments on the application to our office no later October 28, 2022. If you have any questions, or need more information, please feel free to reach out.

Thank you,



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

Andrea Watts

From: Tina Glines <glinest@bentonpud.org>
Sent: Monday, October 17, 2022 6:43 AM
To: Andrea Watts
Subject: [EXTERNAL] RE: [E] Agency review request (CUP 2022-012)

EXTERNAL EMAIL WARNING!!!: This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

No comments

Thank you,

Tina Glines

Distribution Design Technician
(509) 582-1241



From: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Sent: Friday, October 14, 2022 2:51 PM
To: Planning Department <Planning.Department@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; WA Dept of Transportation - Paul Gonseth <Gonsetp@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Elizabeth.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Brenda Webb <webbbb@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Nancy Lang <langn@bentonpud.org>; Rick Sunford <sunfordr@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; Jeff Vosahlo <vosahloj@bentonpud.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmliller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>; seand@bfhd.wa.gov; Fire District #2 - R. Duncan <rduncan@bcfpd2.org>; development@kid.org; JoDee Peyton <Jodeer@bfhd.wa.gov>
Subject: [E] Agency review request (CUP 2022-012)

[EXTERNAL EMAIL]

Good afternoon,

Attached are the application materials related to a Conditional Use Permit application from Craig Huff for a farm stand on parcel number 117971010351001.

Please have any comments on the application to our office no later October 28, 2022. If you have any questions, or need more information, please feel free to reach out.

Thank you,



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

October 19, 2022

Andrea Watts, Associate Planner
Benton County Community Development Department - Planning Division
PO Box 910
Prosser, WA 99350

Subject: Review Comments for CUP 2022-012 – 38206 N Sunset

Dear Ms. Watts,

The Kennewick Irrigation District has received your Conditional Use Permit submitted by Craig Huff, to use a portion of the property for a farm stand. This project is located at 38206 N Sunset, Benton City, WA 99320.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries, but is not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all existing irrigation facilities.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Tissell".

Daniel Tissell, P.E.
Assistant Engineering Manager

cc: LB\correspondence\File: [17-9-27]
Applicant via mail – Craig Huff, 38206 N Sunset, Benton City, WA 99320

Andrea Watts

From: Cristina Woods
Sent: Monday, October 24, 2022 12:04 PM
To: Andrea Watts
Subject: RE: Agency review request (CUP 2022-012)

Good morning

The proposed sign shall be installed outside of the road right of way.
Contact the Public Works Department for help locating the road right of way if necessary.

Thank you



Cristina Woods, MS • *Engineering Associate III*
Benton County Public Works
102206 Wisner Parkway , Kennewick WA, 99338
cristina.woods@co.benton.wa.us
(509) 786-5611

From: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Sent: Friday, October 14, 2022 2:51 PM
To: Planning Department <Planning.Department@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; WA Dept of Transportation - Paul Gonseth <Gonsetp@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Elizabeth.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Rick Sunford <sunfordr@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD Jeff Vosahlo <vosahloj@bentonpud.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>; seand@bfhd.wa.gov; Fire District #2 - R. Duncan <rduncan@bcfpd2.org>; development@kid.org; JoDee Peyton <Jodeer@bfhd.wa.gov>
Subject: Agency review request (CUP 2022-012)

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Please have any comments on the application to our office no later October 28, 2022. If you have any questions, or need more information, please feel free to reach out.

Thank you,



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

Andrea Watts

From: JoDee Peyton <Jodeer@bfhd.wa.gov>
Sent: Friday, October 28, 2022 9:01 AM
To: Andrea Watts
Subject: [EXTERNAL] RE: Agency review request (CUP 2022-012)

EXTERNAL EMAIL WARNING!!!: This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

No concerns – is the Agricultural so I do not believe we have much to do with it. So long as employee has access to bathroom, there is no requirement to have to have restrooms for customers for a roadside stand that I know of.

Please feel free to contact me with any concerns or questions.

JoDee A. Peyton, EHS II, Lead
Environmental Health Specialist
Land Use, Sewage and Water Section

Benton-Franklin Health District
7102 W. Okanogan Place
Kennewick, WA 99336
p: 509.460.4318
Pronouns: she/her
www.bfhd.wa.gov jodeer@bfhd.wa.gov



Follow us on   

From: Andrea Watts <Andrea.Watts@co.benton.wa.us>
Sent: Thursday, October 27, 2022 9:51 AM
To: JoDee Peyton <Jodeer@bfhd.wa.gov>
Subject: FW: Agency review request (CUP 2022-012)

Hi JoDee,

Just wanted to touch base with you on this Conditional Use Permit. I don't have any approvals in the file from BFHD for some reason. The applicant indicated that he had spoken to someone from BFHD and there was some sort of understanding about what type of waste disposal there could be as the project is small and seasonal.

It sounds like he was leaning towards not having any restrooms as there would only be 1 employee working part time who would have access to the home bathroom.

I have attached some additional information that was sent to us after I sent out the agency review.

Do you have any concerns on this one?

Thank you!



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

From: Andrea Watts

Sent: Friday, October 14, 2022 2:51 PM

To: Planning Department <Planning.Department@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; WA Dept of Transportation - Paul Gonseth <Gonsetp@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Daniel Gonzalez <Daniel.Gonzalez@co.benton.wa.us>; Elizabeth Koerner <Elizabeth.Koerner@co.benton.wa.us>; Jessica Harris <Jessica.Harris@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Jeff Liner <Jeff.Liner@co.benton.wa.us>; Jordyn Reimer <Jordyn.Reimer@co.benton.wa.us>; Tavis Hatfield <Tavis.Hatfield@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Benton PUD - Rick Sunford <sunfordr@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD Jeff Vosahlo <vosahloj@bentonpud.org>; Benton REA - Chris Cooke <CCooke@bentonrea.org>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>; seand@bfhd.wa.gov; Fire District #2 - R. Duncan <rduncan@bcfpd2.org>; development@kid.org; JoDee Peyton <Jodeer@bfhd.wa.gov>

Subject: Agency review request (CUP 2022-012)

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Thank you,



Andrea Watts

Associate Planner

Benton County Community Development Department - Planning Division

Andrea.watts@co.benton.wa.us

(509) 786-5612

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