

Planning Department

(509) 786-5612
P.O. Box 910
Prosser, WA 99350



www.co.benton.wa.us

planning.department@co.benton.wa.us

Prosser Office: 620 Market Street, 1st Floor

Kennewick Office: 102206 East Wiser Parkway

**STAFF MEMO TO THE
BENTON COUNTY HEARINGS EXAMINER
Degrado: Winery**

FILE NO: CUP 2020-012 (Request for Extension)

HEARING DATE: February 17, 2023

APPLICANT/OWNER: James Degrado, 34809 W Schumacher PR NE, Benton City, WA 99320

LOCATION: General Location: The property is located south of SR 224, directly south of the Red Mountain American Viticultural Area (AVA).
Address: 34809 W Schumacher PR NE, Benton City, WA 99320
Legal: Section 16, Township 9 North, Range 27 E, Quarter SE; Short Plat #3446, Lot 1.
Parcel Number: 1-1697-401-3446-001

PROPERTY SIZE: Approximately 10.01 acres

AREA TO BE USED: Conversion of an existing 3600 square foot pole building to a wine production facility, in addition to 47' x 70' outdoor water treatment pond.

LAND USE: Residential

ZONING: Rural Land 5 Acre

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

APPLICATION DESCRIPTION:

The applicant is requesting an extension of one-year to meet the conditions of approval for CUP 2020-012, due to unanticipated elevated nitrate levels in an existing well. The applicant has coordinated with Benton Franklin Health District (BFHD) and completion of the conditions has been delayed due to the installation of an incorrect component within a treatment unit (Manufacturer error). Once this error was corrected, the nitrate levels were well below limits and the well was ultimately approved by BFHD in October 2022.

The above referenced well approval was the last element required to allow final inspections from Health, Planning, and Fire Marshal. The Building Division has indicated that the building permit is now ready to be issued pending the signatures from the applicant.

The applicant has provided a written request for the extension, detailing the challenges with well nitrates, and indicating approval of final inspections is anticipated in the very near future. The applicant has demonstrated significant progress toward meeting the conditions of approval.

The applicant has requested an additional 1 year to complete paperwork and inspections required for approval. The Planning Division supports an extension of time to complete remaining conditions of approval for CUP 2020-012.

Donna Hutchinson

From: Christian Taylor <christian.ollen.taylor@gmail.com>
Sent: Wednesday, January 25, 2023 4:22 PM
To: Planning Department
Cc: jim@tremasivineyards.com; Michelle Cooke
Subject: [EXTERNAL] Re: Conditional Use Permit-CUP 2020-012

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.

Donna,

We are requesting an extension for an additional year for CUP 2020-012. Septic permit finally reached approval as of October 2022. We are in contact with the engineer to wrap up paperwork and inspections. Hopefully this will be wrapped up in the next month but based on paperwork timeline so far, a year would be safe. Once the engineer is done with his paperwork, then we will only have final department inspections remaining.

Thanks,

Christian Taylor
Focal Contracting LLC (Formerly 509 Builders LLC)
(509)781-2977

P.S. If a more formal letter is required, please let me know and I'll send one attached.

On Jan 24, 2023, at 3:34 PM, Planning Department <Planning.Department@co.benton.wa.us> wrote:

I am writing to you today as a follow up to the previous emails and phone calls from our office regarding your conditional use permit CUP 2020-012. We are still needing an letter from you explaining your progress to date and requesting an extension to the time frame for completing your conditions of approval. Please send your request to this email address so that we can be sure to process it immediately. If we have not received your request for an extension by February 1st, 2023, we will have no choice but to place it on the Hearings Examiner Agenda in February for a possible null and void status.

<image002.png>Donna Hutchinson
Office Assistant II
Community Development Dept.
Planning Division
PO Box 910 Prosser WA 99350
(509) 786-5612

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Prosser: We are located within the Road Department/Public Works Office on the first floor of the Benton County Courthouse at 620 Market St, Prosser WA 99350.

Kennewick: Public Services Building at 102206 E Wiser Parkway, Kennewick, which houses the Planning, Building and Road Departments.

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

Sent: Friday, December 30, 2022 11:01 AM

To: jim@tremasivineyards.com

Subject: Conditional Use Permit-CUP 2020-012

Good day Mr. Degrado,

We are following up to see if you have any updates for us regarding the completion for the Conditional Use Permit. Please contact our office with any updates or questions you may have. Thank you.

<image005.png>Leticia Carter

Planning Technician

Benton County Community Development Department-Planning Division

Benton County Public Services Office, 102206 E. Wiser Parkway, Kennewick, WA 99338

(509) 736-3086

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Prosser: We are located within the Road Department/Public Works Office on the first floor of the Benton County Courthouse at 620 Market St, Prosser WA 99350.

Kennewick: Public Services Building at 102206 E Wiser Parkway, Kennewick, which houses the Planning, Building and Road Departments.

**BENTON COUNTY HEARINGS EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**Extension Request for CUP 2020-012
Degrado Winery**

December 20, 2021

1. FINDINGS OF FACT

1.1 Applicant/Owner. James Degrado, 34809 W Schumacher PR NE, Benton City, WA 99320.

1.2 Location. 34809 W Schumacher PR NE, Benton City, WA 99320. Parcel No. 1-1697-401-3446-001. South of SR 224, and directly south of the Red Mountain American Viticultural Area.

1.3 Conditional Use Permit. The Benton County Hearings Examiner approved CUP 2020-012 on October 2, 2020. The CUP allows a wine production facility.

1.4 Applicant's Extension Request. The Applicant requested a permit extension. The Planning Department supported approval.

1.5 Administrative Record.

| Date | Document Description |
|-----------------|--|
| | Agenda |
| | Planning Department Memo to Hearings Examiner, attaching Applicant's request (September 30, 2021) |
| October 2, 2020 | Benton County Hearings Examiner Findings of Fact, Conclusions of Law and Decision for CUP 2020-012 |

1.6 Hearing. The Hearings Examiner considered the Applicant's request at a hearing held December 17, 2021, conducted both remotely and in-person. The Applicant's correspondence details the reason for the request (unanticipated nitrate levels in an existing well) which the Department elaborated on at the hearing. The issue has since been resolved and the well has been approved. The Applicant requested a nominal two-month extension through December 2, 2021.

1.7 Basis for Extension. Given the progress made and investment of resources, there is a reasonable basis for granting the requested extension. As December 2 has passed, the additional two months should be counted from January 2, extending the permit compliance term to March 2, 2022.

2. CONCLUSIONS OF LAW

2.1 The Benton County Code and CUP 2020-012 require the Applicant to fulfill all CUP conditions no later than one year from when the permit is conditionally approved. The approval may be voided if all conditions are not complied with within one year. Before this occurs, the Applicant must be notified in writing at the Applicant's last known address at least twelve days in advance. *See* BCC 11.50.050(d) and CUP 2020-012, Condition 7.

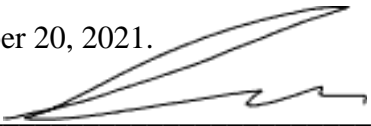
2.2 Neither the Benton County Code nor CUP 2020-012 mandates the automatic voiding of an approval after one year. Instead, the Applicant is afforded advance notice before same occurs, and the Hearings Examiner may grant an extension.

2.3 Based on the findings above, granting the requested extension is reasonable and consistent with the Benton County Code.

DECISION

The Hearings Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested extension for CUP 2020-012, provided the following condition is met: All conditions of approval for CUP 2020-012 shall be met by March 2, 2022.

DECISION entered December 20, 2021.



Benton County Hearings Examiner
Susan Elizabeth Drummond

**BENTON COUNTY HEARINGS EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

**CUP 2020-012
DeGrado Commercial Winery**

October 2, 2020

1. FINDINGS OF FACT

1.1 Proposal. Conversion of existing 3,600 square foot pole building to a wine production facility, in addition to a 47' x 70' outdoor water treatment pond. The project is intended for seasonal spring and fall rental, with no tasting room or event spaces.

Applicant/Property Owner: James DeGrado, 34809 W. Schumacher PR NE, Benton City, WA 99320.

Location: 34809 W. Schumacher PR NE, Benton City, WA 99320; Parcel No. 1-1697-401-3446-001.

1.2 Administrative Record. The Hearings Examiner admitted these exhibits: :

| Exhibit Number | Description | Date |
|---|---|--------------------|
| Hearings Examiner Memo Exhibits | | |
| HEM 1.1 | Staff Report | September 14, 2020 |
| HEM 1.2 | Vicinity Map | |
| HEM 1.3 | Application Materials | August 7, 2020 |
| HEM 1.4 | Written Determination of Completeness | August 12, 2020 |
| HEM 1.5 | Agency Review Request | August 19, 2020 |
| HEM 1.6 | Benton County Fire Marshal Comment | August 16, 2020 |
| HEM 1.7 | Benton County Public Works Comment | August 19, 2020 |
| HEM 1.8 | Benton PUD Comment | August 19, 2020 |
| HEM 1.9 | Washington State Department of Ecology Comment | September 1, 2020 |
| HEM 1.10 | Kennewick Irrigation District Comment | September 1, 2020 |
| HEM 1.11 | Notice of Open Record Hearing | September 3, 2020 |
| HEM 1.12 | Affidavit of Publication | |
| Hearings Examiner Hearing Exhibits | | |
| HEH 1.1 | William Casad Comment (received immediately before the hearing) | September 21, 2020 |

1.3 Public Notice. The notice for the Benton County Hearings Examiner Open Record Hearing was published in the Prosser Record Bulletin and mailed to property owners of record within 300 feet.¹ No concerns on notice were raised. Adequate public notice was provided consistent with code.

1.4 Hearing. The Hearings Examiner considered the Applicant's request at an open record public hearing on September 21, 2020. Due to COVID-19 restrictions, the hearing was conducted remotely, in part, with only the Examiner and Planning Department staff in the hearing room. Access information was available to the public to allow applicants and citizens to join via a video link or telephone call-in. There was a technical delay in initiating the hearing, but this did not impair anyone's ability to testify or listen to the proceedings. However, in case any citizens who wished to comment had difficulty calling in, the record was kept open through September 25. No additional written comments were received, and no concerns were raised about anyone's ability to review materials and provide input.

At the hearing, the Planning Department, through Mr. Malley, summarized the proposal. Mr. Malley noted the lagoon will be set back consistent with code (10-15 feet) and fenced. A vineyard is located to the east. The property owner, Mr. Martinez, clarified there is an access road on his property which runs parallel to the project site's east property line. He requested clarification on access road use and that it is not being expanded; the Applicant, Mr. DeGrado, confirmed the neighbor's understanding was correct. The Applicant provided additional information, raising no concerns with the Staff Report's proposed conditions.

1.5 Site and Surrounding Land Use. The 10.01 acre site is zoned RL-5, with a Rural Remote Comprehensive Plan designation.² The site contains a single-family home with attached garage, a 972 square foot pole building, and a 3,600 square foot pole building. The 3,600 square foot pole building would be converted for the proposed wine production facility, which is intended for seasonal spring and fall rental. No tasting room or event space is intended. The proposed water treatment pond would be located between the converted building and the east parcel boundary. Surrounding properties to the north, east, and south are similarly developed, with single family homes and residential accessory uses. To the west are parcels within Town and County Village Mobile Home Park, which are generally one acre or smaller in size. No critical areas are designated on site.

1.6 SEPA. The Department determined that the winery is exempt.³

1.7 Agency Comment. The proposal was circulated within the County, and as long as requirements are met, there were no objections to approval.⁴ Several government agencies submitted written comment identifying relevant regulatory requirements, which have been incorporated as conditions of approval. The Applicant raised no concerns as to his ability to comply with requirements.

¹ HEM 1.1 (Staff Report), pp. 2 and 5; HEM 1.11; HEM 1.12; BCC 11.50.050.

² HEM 1.1 (Staff Report), pp. 1 and 4.

³ HEM 1.1 (Staff Report), p. 4. *See also* BCC 6.35.050 and .055.

⁴ HEM 1.6; HEM 1.7; HEM 1.8; HEM 1.9; HEM 1.10.

1.8 Public Comment. A comment was received from neighboring property owner William Casad, expressing concern "for future ingress and egress from North Schumacher PR NE." (Exhibit HEH 1.1).

1.9 Signage. No signs were requested for the business activity.

1.10 Employees. There will be one non-resident employee.

1.11 Hours of Operation. Spring and fall, Monday-Friday, 7:00 AM - 5:00 PM.

1.12 Parking. Four existing gravel parking spaces will be used for the winery.

1.13 Lighting. No outdoor lighting is proposed.

1.14 Fencing. The proposal includes a fence around the water treatment pond.

1.15 Transportation Impacts. The proposed use would not cause 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 RL-5 zoning district. Non-resident employees are limited in number, seasonal operating hours are limited, and parking and access are adequate.

1.16 Health, Safety and Welfare. As long as code requirements are met, the wine production facility would 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 zoning district.

1.17 Permitted Uses. Due to its orientation, scope, and location on the 10.01 acre property, the proposed use as shown in the application and as further described at the hearing would not hinder or discourage the development of permitted uses on neighboring properties due to use location, size, or height.

1.18 Staff Report and Proposed Conditions. The Staff Report details CUP proposal consistency with County requirements and the Comprehensive Plan, and is incorporated. The Applicant did not object to the Staff Report's proposed conditions, which ensure code compliance and are necessary to support Decision findings. They should be imposed without substantive revision.

2. CONCLUSIONS OF LAW

2.1 The commercial winery requires a CUP.⁵ Procedures and criteria for reviewing a CUP, and requiring Hearings Examiner approval, are at BCC 11.50.040 and .050. A CUP is only granted if the evidence allows the Examiner to find that the use:

⁵ BCC 11.11.060(j).

- (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.⁶

"It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made."⁷

2.2 As conditioned, the Examiner concludes the proposed use is consistent with these criteria. The CUP proposal does not create incompatibilities with other uses in the surrounding area, and there was no evidence that any outright permitted use would be as incompatible with existing uses in the surrounding area as the proposed use. The proposed use is consistent with the surrounding rural nature of the area, which includes residential and agricultural uses.

2.3 The requested CUP would 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.

2.4 Granting the CUP 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. Impacts are limited and are consistent with the nature of surrounding uses.

2.5 The CUP would be supported by adequate service facilities and would not adversely affect public services to the surrounding area. Compliance with all Benton-Franklin Health District requirements is a required condition to ensure applicable health code

⁶ BCC 11.50.040(d).

⁷ *Id.*

requirements are adequately addressed. The Applicant will comply with all applicable Building Department and Fire Code requirements.

2.6 Granting the CUP would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district to an extent greater than other permitted uses in the zoning district.

2.7 The Applicant has demonstrated CUP criteria compliance. As conditioned, the use is compatible with the principal uses and purpose of the RL-5 zoning district and surrounding land uses and should be approved.

DECISION

The Hearings Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested commercial winery CUP, provided the following conditions are met:

1. All required development permits shall be obtained prior to issuance of a CUP. This includes approval of permits required by the following, as applicable:
 - a. Benton County Building Department; for Building Permits
 - b. Benton County Fire Marshal; for Fire and Safety regulations
 - c. Washington Department of Ecology
 - d. Benton-Franklin Health District
2. Benton County Planning Department requires:
 - a. Installation of security fence surrounding either process water pond, or property boundary, consistent with requirements of *BCC 3.24.030 Private Swimming Pools-Fencing Required*.
 - b. The application for CUP 2020-012 proposes use as a winery. Other uses, such as event venue, require the approval of an applicable CUP.
 - c. The sale of products that have not been processed on-site is not permitted.
3. Benton County Fire Marshal requires:
 - a. Based on *IFC Section 903 Automatic Sprinkler Systems 2018 edition*, your building will not be required to have an Automatic Sprinkler System. Although a backup water source (tank or pond) is required as access to water is a distance away and will aid in the speed water is available on site if rural firefighters need to respond. A minimum of 5000 gallons would be required for this building application.
 - b. *IFC 3206.7.5 Number of doors required*. A minimum of two access doors one at each end of the building. Portable Fire Extinguishers are required at both access doors and Lighted Exit signs are required.

- c. *IFC 3206.7.6 Door size and type.* Access doors shall not be less than 3 feet (914 mm) in width and 6 feet 8 inches (2032 mm) in height. Roll-up doors shall not be used for ingress and egress.
 - d. *IFC 3206.6.1.3 Locking devices.* Only approved locking devices shall be used. Locking mechanisms must be approved by the fire code official. The fire service must be able to open the doors from the exterior side during an emergency. The locking mechanism must be designed to maintain the security of the building, to be readily openable from the egress side and to be openable by the fire department personnel from the exterior.
 - e. *NFPA 1231* requires that the fire department advise each building owner of the results of this minimum water Supply determination.
 - f. The normal calculation as shown on this page assumes that the surveyed structure stands alone without other nearby exposure hazards. However, if another unattached structure larger than 100 square feet (such as a garage or shop or another home) is within 50 feet of the dwelling being surveyed, the minimum water supply must be increased by 50 percent (multiply the regular formula by 1.5).
 - g. Note also that the formula is not intended to provide details for calculating an adequate amount of water for large special fire protection problems, such as bulk flammable liquid storage, lumberyards or warehouses using high rack storage. Other NFPA standards cover such special fire protection problems with much more detail. Knowing about numerous water sources increases the chances that when a fire occurs, water can be used from the closest and best available source.
 - h. Control of a fire is affected by how long it has been burning and then by the rate of application of the water. Assuming a limited availability of mobile water supply vehicles, it is easy to see that long transportation distances to some water sources results in longer waits between applications of water.
4. Washington Department of Ecology requires:
- a. The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a “Significant Contributor of Pollutants or a Significant Industrial User” as defined in Appendix B of the Permit.

For technical assistance, contact Stephanie Giesin, Winery General Permit Manager at Stephanie.giesin@ecy.wa.gov or by phone at 509-454-7869.

- b. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at 509-454-7872 or email at Christopher.kossik@ecy.wa.gov.
5. Any violation of the conditions of approval may be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the CUP 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.
6. All conditions shall be completed before the Planning Department issues the CUP. The Applicant shall notify the Planning Department in writing when the below conditions are complete. The CUP is not effective until the Planning Department issues it.
7. If the conditions of approval have not been met and the Planning Department does not issue the CUP within one (1) year from the time the Hearings Examiner conditionally approved the CUP, 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.

The Applicant/permit holder shall continue to meet all conditions of approval while CUP 2020-012 is in effect.

Unless a motion for reconsideration is made within ten calendar days, or the Decision is timely appealed, the Decision is final.⁸

DECISION entered October 2, 2020.



Benton County Hearings Examiner
Susan Elizabeth Drummond

⁸ BCC 17.20.110 (allowing for reconsideration, if request is filed within ten calendar days); Ch. 36.70C RCW (providing for 21-day appeal period to superior court).

EXHIBIT LIST FOR CUP 2020-012

Degrado: Commercial Winery

Hearing: September 21, 2020

| Hearing: September 21, 2020 | | | |
|---|----------|--|--------------------|
| HEM | HEM 1.1 | Staff Report | September 14, 2020 |
| | HEM 1.2 | Vicinity Map | |
| | HEM 1.3 | Application Materials | August 7, 2020 |
| | HEM 1.4 | Written Determination of Completeness | August 12, 2020 |
| | HEM 1.5 | Agency review request | August 19, 2020 |
| | HEM 1.6 | Comment from Benton County Fire Marshal | August 16, 2020 |
| | HEM 1.7 | Comment from Benton County Public Works | August 19, 2020 |
| | HEM 1.8 | Comment from Benton PUD | August 19, 2020 |
| | HEM 1.9 | Comment from WA State Dept of Ecology | September 1, 2020 |
| | HEM 1.10 | Comment from Kennewick Irrigation District | September 1, 2020 |
| | HEM 1.11 | Notice of Open Record Hearing | September 3, 2020 |
| | HEM 1.12 | Affidavit of Publication | |
| | HEM 1.13 | | |
| | HEM 1.14 | | |
| | HEM 1.15 | | |
| | | | |
| | | | |
| | | | |
| Exhibits Submitted During Hearing or while record remained open | | | |
| HEH | HEH 1.1 | | |
| | HEH 1.2 | | |
| | HEH 1.3 | | |
| | HEH 1.4 | | |
| | HEH 1.5 | | |
| | HEH 1.6 | | |
| | HEH 1.7 | | |
| | HEH 1.8 | | |
| | HEH 1.9 | | |
| | HEH 1.10 | | |

Planning Department

(509) 786-5612
P.O. Box 910
Prosser, WA 99350



www.co.benton.wa.us

planning.department@co.benton.wa.us

Prosser Office: 620 Market Street, 1st Floor

Kennewick Office: 102206 East Wiser Parkway

**STAFF REPORT TO THE
BENTON COUNTY HEARINGS EXAMINER
Degrado: Winery**

HEM 1.1

FILE NO: CUP 2020-012

HEARING DATE: September 21, 2020

APPLICANT/OWNER: James Degrado, 34809 W Schumacher PR NE, Benton City, WA 99320

LOCATION: General Location: The property is located south of SR 224, directly south of the Red Mountain American Viticultural Area (AVA).
Address: 34809 W Schumacher PR NE, Benton City, WA 99320
Legal: Section 16, Township 9 North, Range 27 E, Quarter SE; Short Plat #3446, Lot 1.
Parcel Number: 1-1697-401-3446-001.

PROPERTY SIZE: Approximately 10.01 acres

AREA TO BE USED: Conversion of existing 3600 square foot pole building to wine production facility, in addition to 47' x 70' outdoor water treatment pond.

LAND USE: Residential

ZONING: Rural Land 5 Acre

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

RECOMMENDATION:

Planning Department recommends approval of the application request, subject to the suggested Findings of Fact and Conditions of Approval outlined in this Staff Report.

APPLICATION DESCRIPTION:

The applicant is requesting a Conditional Use Permit to operate a winery and complete associated improvements, including a 47' x 70' water treatment pond, on a lot with an existing single-family dwelling at 34809 W Schumacher PR NE in Benton County.

The property is approximately 10.01 acres in size and is zoned Rural Lands 5 District.

The site consists of a single-family 3460 sq. ft. home with attached 702 sq. ft. garage, and two (2) pole buildings 972 sq. ft. and 3600 sq. ft. in size. The proposed winery will be accessory to an owner-occupied single-family home, located within the existing 3600 sq. ft. pole building, which is proposed to be converted for the proposed use. The process facility is intended for rental seasonally in both spring and fall, with no tasting room or event spaces intended. The proposed outdoor process water pond is to be located between the converted building and the east parcel boundary.

PUBLIC NOTICE:

1. The application for CUP 2020-012 was submitted to the Benton County Planning Department on August 7, 2020.
2. The application was declared complete for processing on August 12, 2020.
3. The application documents were distributed to reviewing agencies on August 19, 2020.
4. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2020-012 was published on September 9, 2020 in the Prosser Record Bulletin.
5. The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on September 9, 2020.
6. The Open Record Hearing is scheduled for September 21, 2020.

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*, Chapter 11.03 Definitions.
11.03.010 DEFINITIONS.
(194) "Wineries/Breweries/Distilleries" means facilities where fruit or other products are processed into wine or spirits and related storage, bottling, shipping, sampling, tasting and sale of such.
3. *Benton County Code*, Chapter 11.11 Rural Lands Five Acre District (RL-5)
11.11.060 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Five Acre District (RL-5) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.
(j) Wineries/Breweries/Distilleries not otherwise allowed under BCC 11.11.030.
4. *Benton County Code*, Chapter 11.50.040 Conditional Use.
11.50.040 (a) CONDITIONAL USE PERMIT- 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.

11.50.040 (d) CONDITIONAL USE PERMIT- 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.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on August 19, 2020.

| | |
|--|--------------------------------|
| Benton County Public Works Department | WA Dept of Ecology |
| Benton-Franklin Health District | WA Dept of Fish and Wildlife |
| Benton County Building Department | WA Dept of Health |
| Benton County Fire Marshal | WA Dept of Natural Resources |
| Benton County Code Enforcement | Benton PUD |
| Benton County Rural Water Program | Benton County Fire District #4 |
| WA Dept of Archaeology & Historic Preservation | Kennewick Irrigation District |

2. Agency comments were received from:
 - a. Benton County Fire Marshal (HEM 1.6)
 - b. Benton County Public Works (HEM 1.7)
 - c. Benton PUD (HEM 1.8)
 - d. Washington Department of Ecology (HEM 1.9)
 - e. Kennewick Irrigation District (HEM 1.10)

3. Benton County Planning Department

The following are general comments and discussion points from the Planning Department:

- a. The lot is zoned Rural Lands Five Acre (RL-5) District.
- b. The lot is designated Rural Remote by the Benton County Comprehensive Plan.
- c. Surrounding Land Uses: Similar in nature to the applicant's property, the adjoining properties to the north, south, and east involve single-family homes with residential accessory uses. Adjoining parcels to the west are within "Town and Country Village" Mobile Home Park, which consists of parcels generally an acre, or less, in size.
- d. SEPA: A proposal for a winery under 12,000 sq. ft. and less than 40 parking spaces is exempt from a State Environmental Policy Act checklist and review.
- e. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, no designated critical areas have been identified. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
- f. A safety/security fence appears appropriate, given residential zoning district and proposal for process water pond serving the facility.
- g. Wineries are defined as "facilities where fruit and other products are processed into wine or spirits and related storage, bottling, shipping, sampling, tasting and sale of such." Sale of products not processed on-site, is not permitted.
- h. The facility is not proposed, and should not be permitted, for rental as an event venue facility.

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 CUP 2020-012 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.

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:

The County Finds the following:

1. The applicant requests to operate a winery and complete associated improvements, including a 47' x 70' water treatment pond, on a lot with an existing single-family dwelling at 34809 W Schumacher PR NE in Benton County.
2. The applicant and owner is James Degrado whose mailing address is 34809 W Schumacher PR NE, Benton City, WA 99320.
3. The property is located south of SR 224, directly south of the Red Mountain American Viticultural Area (AVA) at 34809 W Schumacher PR NE, Benton City, WA 99320 (Parcel #1-1697-401-3446-001).
4. The property is approximately 10.01 acres in size and is zoned Rural Lands 5 Acre (RL-5) District.
5. The site consists of a single-family 3460 sq. ft. home with attached 702 sq. ft. garage, and two (2) pole buildings 972 sq. ft. and 3600 sq. ft. in size. The 3600 sq. ft. pole building is proposed for conversion

to winery use.

6. The proposed winery will be accessory to an owner-occupied single-family home with addition of an outdoor water treatment pond. The proposed treatment pond is to be located between the converted building and the east parcel boundary.
7. Public notice and application requirements have been completed for the conditional use permit request as follows:
 - a. The application for CUP 2020-012 was submitted to the Benton County Planning Department on August 7, 2020.
 - b. The application was declared complete for processing on August 12, 2020.
 - c. The application documents were distributed to reviewing agencies on August 19, 2020.
 - d. The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2020-012 was published on September 9, 2020 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 September 9, 2020.
 - f. The Open Record Hearing is scheduled for September 21, 2020.
8. The proposed winery is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
9. The winery must comply with Benton County Building Department standards and requirements, as per the Conditions of Approval.
10. The application for CUP 2020-012 is consistent with the Growth Management Act, RCW 36.70A.
12. The application for CUP 2020-012 is consistent with the goals and policies of the Benton County Comprehensive Plan.
13. The application for CUP 2020-012 is consistent with the requirements included in the Benton County Zoning Code.
14. The application for CUP 2020-012 is consistent with the requirements in Benton County Code (BCC), Title 11 Zoning, Chapter 11.11 Rural Lands Five Acre District, Section(s) 11.11.060 (j), as follows:

Wineries/Breweries/Distilleries utilizing structures in excess of three thousand (3,000) square feet in size require a Conditional Use Permit. Application proposes use of 3600 sq. ft. pole building.
15. The application is consistent with the requirements in Benton County Code (BCC), Title 11 (Zoning), Chapter 11.50.040 (d) which state the Findings of Fact the Hearings Examiner must make in order to grant the request.

Specific to this permit application, the County finds:

- a. The proposed winery is compatible with other uses in the surrounding area and is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- b. The proposed winery 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;
- c. The proposed winery's pedestrian and vehicular traffic will not conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other

- d. permitted uses in the applicable zoning district; The proposed winery will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and
- e. The proposed winery will 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.

SUGGESTED CONDITIONS OF APPROVAL:

1. All required development permits shall be obtained prior to issuance of a CUP. This includes approval of permits required by the following, as applicable:
 - a. Benton County Building Department; for Building Permits
 - b. Benton County Fire Marshal; for Fire and Safety regulations
 - c. Washington Department of Ecology
 - d. Benton-Franklin Health District

2. Benton County Planning Department requires:
 - a. Installation of security fence surrounding either process water pond, or property boundary, consistent with requirements of *Benton County Code (BCC) 3.24.030 Private Swimming Pools – Fencing Required*.
 - b. The application for CUP 2020-012 proposes use as a winery. Other uses, such as event venue, require the approval of an applicable Conditional Use Permit.
 - c. The sale of products that have not been processed on-site are not permitted.

3. Benton County Fire Marshal requires:
 - a. Based on *IFC Section 903 Automatic Sprinkler Systems 2018 edition*, your building will **not** be required to have an Automatic Sprinkler System. Although a backup water source (tank or pond) is required as access to water is a distance away and will aid in the speed water is available on site if rural firefighters need to respond. A minimum of 5000 gallons would be required for this building application; and
 - b. *IFC 3206.7.5 Number of doors required*. A minimum of two access doors one at each end of the building. Portable Fire Extinguishers are required at both access doors and Lighted Exit signs are required.
 - c. *IFC 3206.7.6 Door size and type*. Access doors shall not be less than 3 feet (914 mm) in width and 6 feet 8 inches (2032 mm) in height. Roll-up doors shall not be used for ingress and egress.
 - d. *IFC 3206.6.1.3 Locking devices*. Only approved locking devices shall be used. Locking mechanisms must be approved by the fire code official. The fire service must be able to open the doors from the exterior side during an emergency. The locking mechanism must be designed to maintain the security of the building, to be readily openable from the egress side and to be openable by fire department personnel from the exterior.
 - e. *NFPA 1231* requires that the fire department advise each building owner of the results of this minimum water Supply determination.
 - f. The normal calculation as shown on this page assumes that the surveyed structure stands alone without other nearby exposure hazards. However, if another unattached structure larger than 100 square feet (such as a garage or shop or another home) is within 50 feet of the dwelling being surveyed, the minimum water supply must be increased by 50 percent (multiply the regular formula by 1.5)
 - g. Note also that the formula is not intended to provide details for calculating an adequate

amount of water for large special fire protection problems, such as bulk flammable liquid storage, lumberyards or warehouses using high rack storage. Other NFPA standards cover such special fire protection problems with much more detail. Knowing about numerous water sources increases the chances that when a fire occurs, water can be used from the closest and best available source.

- h. Control of a fire is affected by how long it has been burning and then by the rate of application of the water. Assuming a limited availability of mobile water supply vehicles, it is easy to see that long transportation distances to some water sources results in longer waits between applications of water.

4. Washington Department of Ecology requires:

- a. The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a "Significant Contributor of Pollutants or a Significant Industrial User" as defined in Appendix B of the Permit.

For technical assistance, contact Stephanie Giesin, Winery General Permit Manager at Stephanie.giesin@ecy.wa.gov or by phone at 509-454-7869.

- b. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

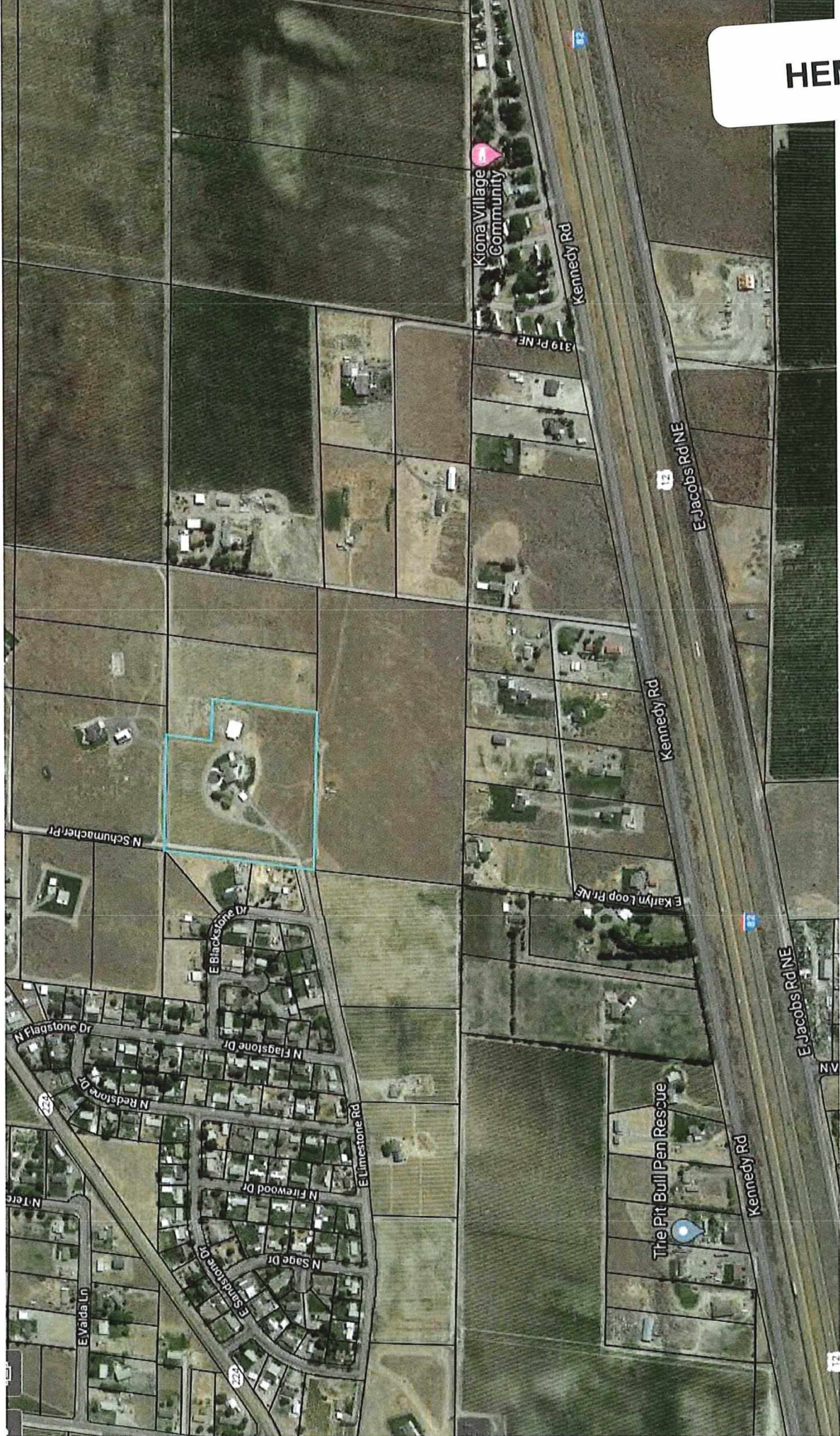
If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at 509-454-7872 or email at Christopher.kossik@ecy.wa.gov.

- 5. 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 to other enforcement mechanisms.
- 6. Any conditions imposed by the Hearings Examiner shall be completed prior to the Planning Department issuing the Conditional Use Permit. The applicant shall notify the Benton County Planning Department in writing when the conditions set forth herein have been completed. The Conditional Use Permit shall not become effective until issued by the Planning Department.
- 7. 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 has 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.

The applicant/permit holder shall continue to meet all conditions of approval while CUP 2020-012 is in effect.

HEM 1.2



Vicinity map for CUP 2020-012 (Degrado/Tremasi Vineyards)
Created by Benton County Planning Department



CONDITIONAL USE PERMIT
APPLICATION

File No. **CUP 2020-012**

RECEIVED

AUG 07 2020

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Benton Co. Planning Dept.

Applicant/Agent: James Degrado

Mailing Address: 34809 W Schumacher PR NE City: Benton City

State: WA ZIP: 99320 Phone: 5095786150 Work: _____

Email Address: jim@tremasivineyards.com

Signature: [Handwritten Signature] Date: _____

Property Owner(s) (if different): _____

Mailing Address: _____ City: _____

State: _____ ZIP: _____ Phone: _____ Work: _____

Email Address: _____

Signature: _____ Date: _____

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: TREMASI VINEYARDS

Officer name: James H. De Grado

Title: OWNER

Signature: [Handwritten Signature] Date: 8-6-20

THE ABOVE SIGNED OFFICER OF TREMASI VINEYARDS (name of entity)

WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT James De Grado (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: 34809 W Schumacher PR NE

City: Benton City State: WA ZIP: 99320

2. Parcel number: 11674013446001 3. Acreage: 10.01

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: Commercial Storage

7. What is the proposed use? Production Facility Rental

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

9. Will the project be conducted entirely inside of a building? Yes No

If no, explain what outdoor activities would occur: Bottling and shipping.

10. What is the total area, including storage that will be used? 3600

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

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

Days: M-F Hours: 7-5

a) Will the operation be seasonal? Months of operation: Spring/Fall

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)? _____

b) Height of sign(s)? _____

c) Dimensions of sign(s)? _____

d) Location of sign(s)? _____

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: 4 Proposed: 4 Surface Type: Gravel

18. What is the name of the access road to the property? Schumacher PR NE

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? Fencing around evaporation pond.

21. Additional comments or information: Evaporation/infiltration pond east of building.

Outside dimensions of the pond are 47' x 70' with 90 cubic yards of volume.

"operate a commercial production facility within an existing structure on the property, in addition to an associated water treatment pond on adjacent portions of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonally in both spring and fall."

B.M.M.

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: _____

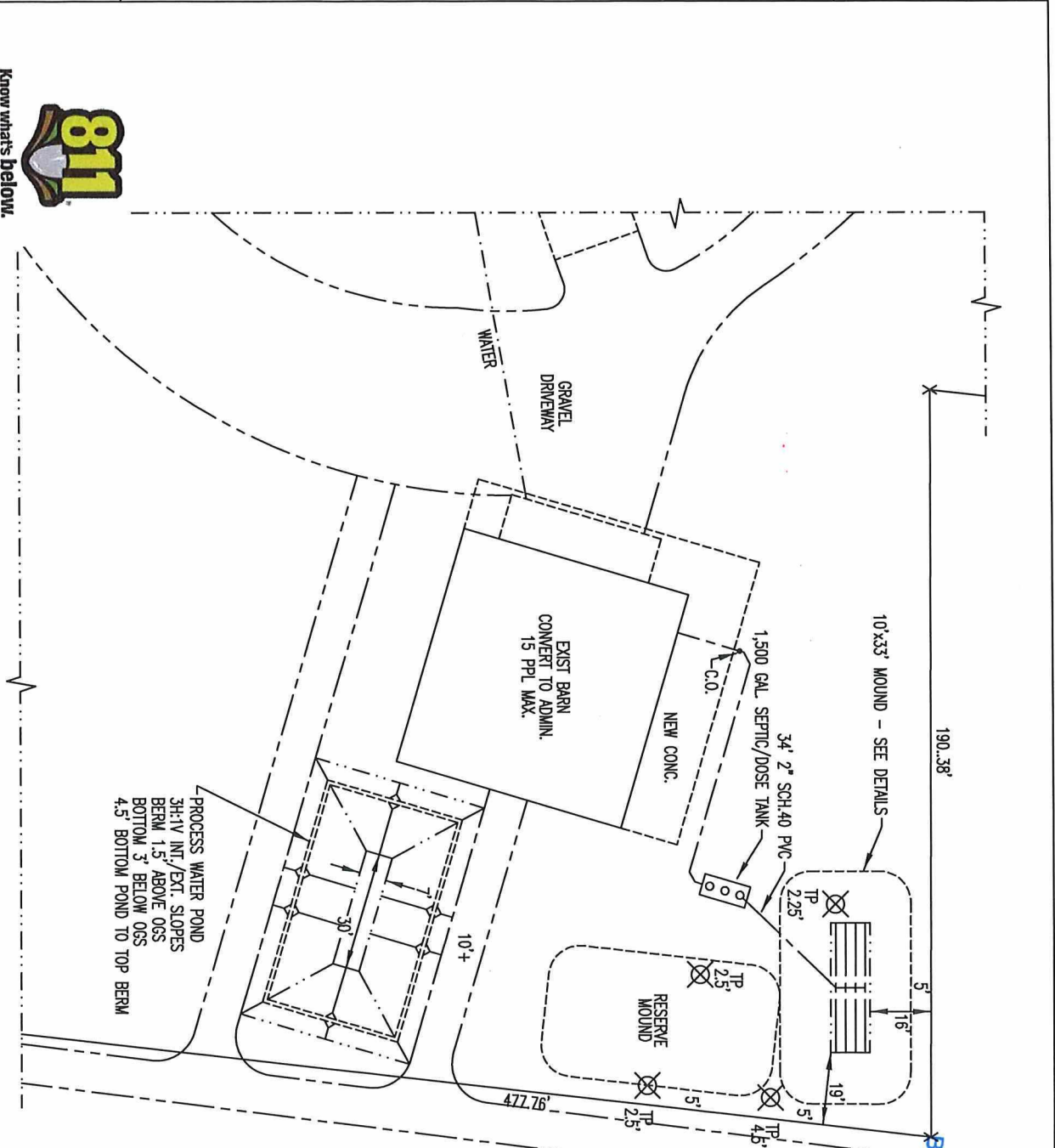
Zoning: _____

Reviewed by: _____

Date: _____

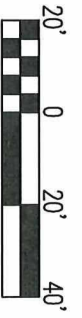
Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

| | | |
|-------------|----------|---|
| 07/20/2020 | A. EVANS | SP3446LL.DWG |
| SITE LAYOUT | | SHORT PLAT 3446 LOT 1 |
| | | 34809 N. SCHUMACHER PRARIE, BENTON CITY, WA |
| CONSULTING | | 1 |



RECEIVED
 AUG 07 2020
 Benton Co. Planning Dept.

ALL SEPTIC COMPONENTS
 TO BE MIN. 50' FROM POND



SCALE

811
 Know what's below.
 Call before you dig.
 48 HOURS
 NOTICE REQUIRED

Planning Department

(509) 786-5612
P.O. Box 910
Prosser, WA 99350



www.co.benton.wa.us

planning.department@co.benton.wa.us

Prosser Office: 620 Market Street, 1st Floor

Kennewick Office: 102206 East Wiser Parkway

HEM 1.4

August 12, 2020

James Degrado
34809 N. Schumacher PR NE
Benton City, WA 99320

Via email to jim@tremasivineyards.com

RE: Written Determination of Completeness
File Number: CUP 2020-012

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit to allow operation of a commercial production facility. The Planning Department has determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2020-012) 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,

Brian Malley, Associate Planner
Benton County Planning Department

Planning Department

(509) 786-5612

P.O. Box 910

Prosser, WA 99350



www.co.benton.wa.us

planning.department@co.benton.wa.us

Prosser Office: 620 Market Street, 1st Floor

Kennewick Office: 102206 East Wiser Parkway

HEM 1.5

August 19, 2020

Benton County Public Works
Benton-Franklin Health District
Benton County Building Department
Benton County Fire Marshal
Benton County Code Enforcement
Benton County Rural Water Program
WA Department of Archaeology & Historic Preservation
WA Department of Ecology
WA Department of Fish and Wildlife
WA Department of Health
WA Department of Natural Resources
Benton PUD
Fire District #4
Kennewick Irrigation District

RE: Agency review of Conditional Use Permit application
File #: CUP 2020-012

Attached is a Conditional Use Permit application from James DeGrado for your review.

The applicant is requesting to operate a commercial wine production facility within an existing structure on the property. In addition to the 3600 sq ft wine production building, there will be an associated evaporation/infiltration pond (47' x 70' with 90 cubic yards of volume) on an adjacent portion of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonal in both spring and fall.

The site is located 34809 North Schumacher PR NE in Benton City. Section 16, Township 9 North, Range 27 East, W.M.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by September 2, 2020. Please reference file number **CUP 2020-012** in all correspondence.

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

Thank you,

Brian Malley, Associate Planner
Benton County Planning Department

April Brown

From: Clark Posey
Sent: Wednesday, August 19, 2020 2:53 PM
To: Planning Department
Subject: RE: Conditional Use Permit (CUP 2020-012 - DeGrado)
Attachments: Tank requirements for Schumaker winery.doc

HEM 1.6

Comments from the Fire Marshal on the Schumacher Prairie Winery, Parcel # 1-1188-201-3292-003

Fire Marshal comments are attached and have also been sent to Eric Anderson the Engineer from Knutzen Engineering on 8/17/2020,

Thank you,

Clark

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, August 19, 2020 2:17 PM
To: Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; WA Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; wwhealan@bcfd4.org; Fire District #4 - Deputy Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; 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>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Dept. of Ecology - Gwen Clear <crosepacoordinator@ecy.wa.gov>; Dept. of Ecology SEPA Unit <SEPAUNIT@ecy.wa.gov>; WA Dept of Ecology - Lori White <Lori.White@ecy.wa.gov>; WA State Dept. of Ecology SEPA Register <separegister@ecy.wa.gov>; Dept. of Fish and Wildlife - Eric Bartrand <bartrelb@dfw.wa.gov>; Dept. of Fish and Wildlife - Mark Teske <Mark.Teske@dfw.wa.gov>; Dept. of Fish and Wildlife - Michael W. Ritter <rittemwr@dfw.wa.gov>; WA Dept of Fish and Wildlife SEPA Desk <SEPADesk@dfw.wa.gov>; DNR - Tara Salzer (tara.salzer@dnr.wa.gov) <tara.salzer@dnr.wa.gov>; DNR Sepa Center (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Roxanne Weller <wellerr@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 PUD-Mike Irving <irvingm@bentonpud.org>
Subject: Conditional Use Permit (CUP 2020-012 - DeGrado)

Good Afternoon!

Attached is a Conditional Use Permit application from James DeGrado for your review.

The applicant is requesting to operate a commercial wine production facility within an existing structure on the property. In addition to the 3600 sq ft wine production building, there will be an associated evaporation/infiltration pond (47' x 70' with 90 cubic yards of volume) on an adjacent portion of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonal in both spring and fall.

The site is located 34809 North Schumacher PR NE in Benton City. Section 16, Township 9 North, Range 27 East, W.M.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by September 2, 2020. Please reference file number **CUP 2020-012** in all correspondence.



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

The Planning Department has TWO OFFICES to serve you! I am usually in the Kennewick office (102206 East Wiser Parkway Kennewick, WA 99338). Our office in Prosser has moved to the First Floor of the Courthouse (620 Market Street, Prosser).

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Building Department
Steve Brown, Manager
102206 E. Wiser Parkway
Kennewick, WA 99338



Phone (509) 735-3500
Office of Fire Marshal
Clark.posey@co.benton.wa.us
Building Department@co.benton.wa.us

August 17, 2020

Eric Anderson
c/o Knutzen Engineering
5401 Ridgeline Drive
Kennewick, WA 99338

The following are the Fire Marshal Comments for a Winery on E. 34809 Schumacher Prairie Benton City, WA. Parcel # 1-1188-201-3292-003 Permit # TBD. (tank calculations are attached)

Based on IFC Section 903 Automatic Sprinkler Systems 2018 edition, your building will **not** be required to have an Automatic Sprinkler System. Although a backup water source (tank or pond) is required as access to water is a distance away and will aid in the speed water is available on site if rural firefighters need to respond. A minimum of 5000 gallons would be required for this building application.

IFC 3206.7.5 Number of doors required. A minimum of two access doors one at each end of the building. Portable Fire Extinguishers are required at both access doors and Lighted Exit signs are required.

IFC 3206.7.6 Door size and type. Access doors shall not be less than 3 feet (914 mm) in width and 6 feet 8 inches (2032 mm) in height. Roll-up doors shall not be used for ingress and egress.

IFC 3206.6.1.3 Locking devices. Only approved locking devices shall be used. Locking mechanisms must be approved by the fire code official. The fire service must be able to open the doors from the exterior side during an emergency. The locking mechanism must be designed to maintain the security of the building, to be readily openable from the egress side and to be openable by fire department personnel from the exterior.

NFPA 1231 requires that the fire department advise each building owner of the results of this minimum water Supply determination.

The normal calculation as shown on this page assumes that the surveyed structure stands alone without other nearby exposure hazards. However, if another unattached structure larger than 100 square feet (such as a garage or shop or another home) is within 50 feet of the dwelling being surveyed, the minimum water supply must be increased by 50 percent (multiply the regular formula by 1.5).

Note also that the formula is not intended to provide details for calculating an adequate amount of water for large special fire protection problems, such as bulk flammable liquid storage, lumberyards or warehouses using high rack storage. Other NFPA standards cover such special fire protection problems with much more detail. Knowing about numerous water sources increases the chances that when a fire occurs, water can be used from the closest and best available source.

Control of a fire is affected by how long it has been burning and then by the rate of application of the water. Assuming a limited availability of mobile water supply vehicles, it is easy to see that long transportation distances to some water sources results in longer waits between applications of water.

Clark A. Posey

Benton County
Fire Marshal

April Brown

From: Cristina Woods
Sent: Wednesday, August 19, 2020 3:31 PM
To: Planning Department
Subject: RE: Conditional Use Permit (CUP 2020-012 - DeGrado)

HEM 1.7

Good afternoon

Public Works has no comments

Thank you

Cristina I. Woods

*Engineering Tech III
Benton County Public Works
102206 Wiser Parkway
Kennewick WA99338
509-786-5611*

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, August 19, 2020 2:17 PM
To: Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; WA Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; wwhealan@bcfd4.org; Fire District #4 - Deputy Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; 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>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Dept. of Ecology - Gwen Clear <crosepacoordinator@ecy.wa.gov>; Dept. of Ecology SEPA Unit <SEPAUNIT@ecy.wa.gov>; WA Dept of Ecology - Lori White <Lori.White@ecy.wa.gov>; WA State Dept. of Ecology SEPA Register <separegister@ecy.wa.gov>; Dept. of Fish and Wildlife - Eric Bartrand <bartrelb@dfw.wa.gov>; Dept. of Fish and Wildlife - Mark Teske <Mark.Teske@dfw.wa.gov>; Dept. of Fish and Wildlife - Michael W. Ritter <rittemwr@dfw.wa.gov>; WA Dept of Fish and Wildlife SEPA Desk <SEPADesk@dfw.wa.gov>; DNR - Tara Salzer (tara.salzer@dnr.wa.gov) <tara.salzer@dnr.wa.gov>; DNR Sepa Center (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Benton PUD - Brenda Webb <webbbb@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Roxanne Weller <wellerr@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 PUD-Mike Irving <irvingm@bentonpud.org>
Subject: Conditional Use Permit (CUP 2020-012 - DeGrado)

Good Afternoon!

Attached is a Conditional Use Permit application from James DeGrado for your review.

The applicant is requesting to operate a commercial wine production facility within an existing structure on the property. In addition to the 3600 sq ft wine production building, there will be an associated evaporation/infiltration pond (47' x 70' with 90 cubic yards of volume) on an adjacent portion of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonal in both spring and fall.

The site is located 34809 North Schumacher PR NE in Benton City. Section 16, Township 9 North, Range 27 East, W.M.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by September 2, 2020. Please reference file number **CUP 2020-012** in all correspondence.



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

The Planning Department has TWO OFFICES to serve you! I am usually in the Kennewick office (102206 East Wiser Parkway Kennewick, WA 99338). Our office in Prosser has moved to the First Floor of the Courthouse (620 Market Street, Prosser).

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

April Brown

From: Shanna Everson <eversons@bentonpud.org>
Sent: Wednesday, August 19, 2020 3:04 PM
To: Planning Department
Subject: [EXTERNAL] RE: [E] Conditional Use Permit (CUP 2020-012 - DeGrado)

HEM 1.8

CAUTION: 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 comment from BPUD.

Shanna Everson
Distribution Design Tech 1
509-585-5367



From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, August 19, 2020 2:17 PM
To: Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Clark Posey <Clark.Posey@co.benton.wa.us>; Dale Wilson <Dale.Wilson@co.benton.wa.us>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; WA Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; wwhealan@bcfd4.org; Fire District #4 - Deputy Chief Paul Carlyle (pcarlyle@bcfd4.org) <pcarlyle@bcfd4.org>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; 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>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Steve Brown <Steve.Brown@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Dept. of Ecology - Gwen Clear <crosepacoordinator@ecy.wa.gov>; Dept. of Ecology SEPA Unit <SEPAUNIT@ecy.wa.gov>; WA Dept of Ecology - Lori White <Lori.White@ecy.wa.gov>; WA State Dept. of Ecology SEPA Register <separegister@ecy.wa.gov>; Dept. of Fish and Wildlife - Eric Bartrand <bartrelb@dfw.wa.gov>; Dept. of Fish and Wildlife - Mark Teske <Mark.Teske@dfw.wa.gov>; Dept. of Fish and Wildlife - Michael W. Ritter <rittemwr@dfw.wa.gov>; WA Dept of Fish and Wildlife SEPA Desk <SEPADesk@dfw.wa.gov>; DNR - Tara Salzer (tara.salzer@dnr.wa.gov) <tara.salzer@dnr.wa.gov>; DNR Sepa Center (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Brenda Webb <webbb@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Roxanne Weller <wellerr@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; Jeff Vosahlo <vosahloj@bentonpud.org>; Mike Irving <irvingm@bentonpud.org>
Subject: [E] Conditional Use Permit (CUP 2020-012 - DeGrado)

Good Afternoon!

Attached is a Conditional Use Permit application from James DeGrado for your review.

The applicant is requesting to operate a commercial wine production facility within an existing structure on the property. In addition to the 3600 sq ft wine production building, there will be an associated evaporation/infiltration pond (47' x 70' with 90 cubic yards of volume) on an adjacent portion of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonal in both spring and fall.

The site is located 34809 North Schumacher PR NE in Benton City. Section 16, Township 9 North, Range 27 East, W.M.

PLEASE SUBMIT YOUR COMMENTS to planning.department@co.benton.wa.us by September 2, 2020. Please reference file number **CUP 2020-012** in all correspondence.



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

The Planning Department has TWO OFFICES to serve you! I am usually in the Kennewick office (102206 East Wiser Parkway Kennewick, WA 99338). Our office in Prosser has moved to the First Floor of the Courthouse (620 Market Street, Prosser).

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Caution: This email originated from outside of Benton PUD. Do not click links or open attachments unless you recognize the sender and know the content is safe



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 West Alder Street • Union Gap, Washington 98903-0009 • (509) 575-2490

September 1, 2020

Brian Malley
Benton County Planning
PO Box 910
Prosser, WA 99350

Re: CUP 2020-012

Dear Brian Malley:

Thank you for the opportunity to comment on the notice of application for the operation a commercial wine production facility within an existing structure, proposed by **James DeGrado**. We have reviewed the application and have the following comment.

WATER QUALITY

The applicant may be required to obtain Winery General Permit (Permit) coverage from the Department of Ecology (Ecology) if wine, juice and/or wastewater production volumes surpass those quantified in Special Condition S1, Table 3 of the Permit. Ecology may also require Permit coverage if a facility is determined to be a "Significant Contributor of Pollutants or a Significant Industrial User" as defined in Appendix B of the Permit.

For technical assistance, contact **Stephanie Giesin**, Winery General Permit Manager at Stephanie.giesin@ecy.wa.gov or by phone at 509-454-7869.

WATER RESOURCES

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at 509-454-7872 or email at christopher.kossik@ecy.wa.gov .

Sincerely,

A handwritten signature in cursive script that reads "Gwen Clear".

Gwen Clear
Environmental Review Coordinator
Central Regional Office
509-575-2012
crosepa@ecy.wa.gov



2010 SOUTH 21ST STREET
KENNEWICK, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

September 1, 2020

April Brown
Benton County Planning Department
P.O. Box 910
Prosser, WA 99350

Subject: Review Comments for CUP 2020-012

Dear Ms. Brown,

The Kennewick Irrigation District has received your Conditional Use Permit Application submitted by James Degrado, to operate a commercial wine production facility within an existing structure on the property. This property is located at 34809 North Schumacher PR NE, Benton City, WA 99320.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries and considered irrigable lands; therefore, the Kennewick Irrigation District assesses 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,

Blaine Broberg

Blaine Broberg, EIT
Staff Engineer

C: LB/correspondence/File: [16-09-27]



NOTICE OF OPEN RECORD HEARINGS

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

CUP 2020-011 Applicants: Conrad Russell Excavating & George Schneider

Applicants are proposing a mining operation that is intended to create usable farmland out of rocky scabland. In order to utilize the land for agricultural purposes, the rocky outcroppings will be crushed and either sold and removed from the site or stockpiled for later use. The project will be conducted in phases starting on the southern-most parcel and working north across the site for an undetermined amount of time until the land is clear of outcroppings. The project site consists of 3 parcels: 1-2395-102-0030-003, 1-2395-102-0030-002, and 1-2395-302-0015-000 (aka 80408 W Old Inland Empire Hwy Prosser, WA 99350)

CUP 2020-010 Applicants: Eric and Jennifer Corwin

The applicants are in the process of building a new home and when that home is complete, they will be remodeling the existing/current home into an Accessory Dwelling Unit. The site is located 83204 North Harrington Road in West Richland. Section 23, Township 7 North, Range 27 East, W.M.

CUP 2020-012 Applicant: James DeGrado

The applicant is requesting to operate a commercial wine production facility within an existing structure on the property. In addition to the 3600 sq ft wine production building, there will be an associated evaporation/infiltration pond (47' x 70' with 90 cubic yards of volume) on an adjacent portion of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonal in both spring and fall. The site is located 34809 North Schumacher PR NE in Benton City. Section 16, Township 9 North, Range 27 East, W.M.

CUP 2020-013 Applicant: The Pit Bull Pen (Trish Trickit)

The applicant wishes to operate a commercial dog kennel/dog rescue facility for up to 20 dogs, with associated outdoor improvements necessary for the operation of kennel and facilitation of adoption events. The site is located at 22206 E. Kennedy Road Benton City, WA 99320 directly north of Interstate 82.

NOTICE IS GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for the above stated applications on Monday, September 21, 2020 at 10:00 am.

Due to the ongoing and unprecedented COVID-19 emergency, participation in this meeting will only be offered virtually. All concerned persons may virtually appear and present any support for or objection to an application or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. Written testimony may be submitted to: Benton County Planning Department PO 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.

To find information on virtual attendance options, including streaming video, Webex video conferencing and telephone, please visit www.tinyurl.com/BCPublicNotice

If you wish to provide comments on any of the actions before the Hearings Examiner, we ask that you please fill out our online form (found at <https://tinyurl.com/testifyform>) and submit your request to our office. **You must submit a request form to participate for each hearing that you wish to attend.** If you prefer to make the request by phone, please call our office at (509) 786-5612 and we can add you to the list for

providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item. We do ask that participants please limit background noise or mute their line to prevent any unnecessary interruption to the meeting.

If you have questions regarding any of the land use proposals listed or have questions about submitting comments or attending a virtual hearing, please contact the Planning Department at 509-786-5612 or visit our office at 102206 E. Wiser Parkway, Kennewick, WA 99336.

Dated this 3rd day of September, 2020

SUSAN E. DRUMMOND
Benton County Hearings Examiner

Greg J. Wendt, Planning Manager
Benton County Planning Department

PUBLICATION DATE: September 9, 2020

Notice

NOTICE OF OPEN RECORD HEARINGS
NOTICE IS HEREBY GIVEN that the following applications have been proposed to the Benton County Hearings Examiner for Benton County. This meeting will only be offered virtually. All concerned persons may virtually appear and present any support for or objection to an application or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. Written testimony may be submitted to: Benton County Planning Department PO Box 910 Prosser, WA 99350. Any information submitted to Benton County is subject to the public records disclosure laws for the State. limit background noise or mute their line to prevent any unnecessary interruption to the meeting.

If you have questions regarding any of the land use proposals listed or have questions about submitting comments or attending a virtual hearing, please contact the Planning Department at 509-786-5612 or visit our office at 102206 E. Wiser Parkway, Kennewick, WA 99338.

Dated this 3rd day of September 2020
SUSAN E. DRUMMOND
 Benton County Hearings Examiner
 Greg J. Wendt
 Planning Manager
 Benton County Planning Department
 Published: Prosser Record-Bulletin
 Published: September 9, 2020

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON } ss.
County of Benton

Suzie Zuniga, being first duly sworn on oath, deposes and says that he is the Legal Notice Clerk of the PROSSER RECORD-BULLETIN, weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Prosser, Benton County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That

annexed is a true copy of Notice

Notice of Public Hearing

as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive weeks commencing September 9, 20 20 ending September 9, 20 20 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee

charged for the foregoing publication is the sum of \$ 355.50, which amount has been paid in full.

Suzie Zuniga
Subscribed and sworn to before me this 9th

day of September, 20 20

Annette C. Jones
Notary Public in and for the State of Washington, residing at Prosser, Washington

Annette C. Jones
Notary Public
State of Washington
My Appointment Expires 07/10/2021

Notice

NOTICE OF OPEN RECORD HEARINGS

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

CUP 2020-010 Applicants: Eric and Jennifer Corwin

The applicants are in the process of building a new home and when that home is complete, they will be remodeling the existing/current home into an Accessory Dwelling Unit. The site is located 83204 North Harrington Road in West Richland. Section 23, Township 7 North, Range 27 East, W.M.

CUP 2020-011 Applicants: Conrad Russell Excavating & George Schneider

Applicants are proposing a mining operation that is intended to create usable farmland out of rocky scabland. In order to utilize the land for agricultural purposes, the rocky outcroppings will be crushed and either sold and removed from the site or stockpiled for later use. The project will be conducted in phases starting on the southern-most parcel and working north across the site for an undetermined amount of time until the land is clear of outcroppings. The project site consists of 3 parcels: 1-2395-102-0030-003, 1-2395-102-0030-002, and 1-2395-302-0015-000 (aka 80408 W Old Inland Empire Hwy Prosser, WA 99350)

CUP 2020-012 Applicant: James DeGrado

The applicant is requesting to operate a commercial wine production facility within an existing structure on the property. In addition to the 3600 sq ft wine production building, there will be an associated evaporation/infiltration pond (47' x 70' with 90 cubic yards of volume) on an adjacent portion of the parcel. The production facility is intended for bottling and shipping needs on a rental basis, with activities expected to be seasonal in both spring and fall. The site is located 34809 North Schumacher PR NE in Benton City, Section 16, Township 9 North, Range 27 East, W.M.

CUP 2020-013 Applicant: The Pit Bull Pen (Trish Trickit)

The applicant wishes to operate a commercial dog kennel/dog rescue facility for up to 20 dogs, with associated outdoor improvements necessary for the operation of kennel and facilitation of

adoption events. The site is located at 22206 E. Kennedy Road Benton City, WA 99320 directly north of Interstate 82.

NOTICE IS GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for the above stated applications on Monday, September 21, 2020 at 10:00 am.

Due to the ongoing and unprecedented COVID-19 emergency, participation in this meeting will only be offered virtually. All concerned persons may virtually appear and present any support for or objection to an application or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. Written testimony may be submitted to: Benton County Planning Department PO 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.

To find information on virtual attendance options, including streaming video, Webex video conferencing and telephone, please visit www.tinyurl.com/BCPublic

Notice

If you wish to provide comments on any of the actions before the Hearings Examiner, we ask that you please fill out our online form (found at <https://tinyurl.com/testifyform>) and submit your request to our office. You must submit a request form to participate for each hearing that you wish to attend. If you prefer to make the request by phone, please call our office at (509) 786-5612 and we can add you to the list for providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item. We do ask that participants please limit background noise or mute their line to prevent any unnecessary interruption to the meeting.

If you have questions regarding any of the land use proposals listed or have questions about submitting comments or attending a virtual hearing, please contact the Planning Department at 509-786-5612 or visit our office at 102206 E. Wiser Parkway, Kennewick, WA 99338.

Dated this 3rd day of September 2020

SUSANE E. DRUMMOND

Benton County Hearings

Examiner

Greg J. Wendt,

Planning Manager

Benton County Planning

Department

Published: Prosser Record-Bulletin

Published: September 9, 2020



Valley Publishing Co.
 P.O. Box 750
 Prosser, WA 99350
 (509)786-1711

Invoice

| | |
|----------|-----------|
| Date | Invoice # |
| 9/9/2020 | 5003BC |

Bill To
 Benton County Planning Dept.
 P.O. Box 910
 Prosser, WA., 99350

P.O. Number

Publishers Of
 Prosser Record-Bulletin / The Grandview Herald
 office@recordbulletin.com

| Quantity | Item Code | Description | Price Each | Amount |
|--------------------|----------------|---|------------|----------|
| | Prosser Legals | Notice of Open Record Hearings, September 21, 2020. Published September 9, 2020. NET | 355.50 | 355.50 |
| Total | | | | \$355.50 |
| Balance Due | | | | \$355.50 |

Thanks for choosing your hometown newspaper!