

**EXHIBIT LIST FOR CUP 2023-010**  
**Wheat Head Brewing - Farmers Market**

<b>Hearings Examiner Staff Memo Exhibit List - December 15, 2023 hearing</b>		
HEM 1.1	Staff Memo	December 6, 2023
HEM 1.2	Vicinity map	November 15, 2023
HEM 1.3	Application	May 10, 2023
HEM 1.4	Site Plan	May 10, 2023
HEM 1.5	Written Determination of Completeness	May 12, 2023
HEM 1.6	Agency review request	May 16, 2023
HEM 1.7	Additional Time	May 26, 2023
HEM 1.8	Comment from Benton PUD	May 16, 2023
HEM 1.9	Comment from Benton County Fire District #1	May 16, 2023
HEM 1.10	Comment from Benton County Public Works	May 19, 2023
HEM 1.11	Comment from Benton County Building Department	May 23, 2023
HEM 1.12	Comment from Benton County Fire Marshal	May 30, 2023
HEM 1.13	Comment from Benton County Public Works	October 30, 2023
HEM 1.14	SEPA MDNS Issued	November 3, 2023
HEM 1.15	Notice of Open Record Hearings	November 29, 2023
<b>Exhibits Submitted <span style="color: red;">During Hearing</span> or while record remained open</b>		
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		



**STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER**

**Wheat Head Brewing  
Farmers Market**

**HEM 1.1**

**FILE NO:** CUP 2023-010

**HEARING DATE:** December 15, 2023

**APPLICANT:** Christina Miller Phillips  
96003 E Locust Grove Rd  
Kennewick, WA 99338

**OWNER:** Beerland LLC  
54737 S Williams Rd  
Kennewick, WA 99338

**LOCATION:** General Location:  
The project is located in the Kennewick area of unincorporated Benton County, approximately 0.45 miles northwest of the intersection of Locust Grove and Clodfelter Roads.

Situs Address: 92308 E Locust Grove Rd., Kennewick, WA.

Abbreviated Legal: as Parcel A of Record Survey 5733 (filed under Benton County Auditor's File Number 2022-035139) in Section 27, Township 08 North, Range 28 East, W. M.

Parcel Number: 127883000002004

**PROPERTY SIZE:** Approximately 20.00 acres

**AREA TO BE USED:** Approximately 0.5 acres

**LAND USE:** Agricultural and Commercial

**ZONING:** Growth Management Act Agricultural District (GMAAD)

**COMPREHENSIVE  
PLAN DESIGNATION:** Growth Management Act Agriculture

**RECOMMENDATION:**

The Planning Division recommends approval of the application request, subject to the suggested twenty (20) Findings of Fact and eighteen (18) Conditions of Approval as outlined in this staff report.

## **APPLICATION DESCRIPTION:**

The applicant is requesting a Conditional Use Permit to operate a farmers market in the Growth Management Act Agricultural District (GMAAD). (HEM 1.3)

The farmers market is proposed to be located on a 20-acre property in the Kennewick area of unincorporated Benton County currently surrounded by agricultural and residential uses. The farmers market will operate in association with an existing brewery and agricultural use of the property. The proposal includes 10-20 vendor spaces in the existing brewery patio and parking area on the first Tuesday of every month during the months of April-October.

Market activities would take place from 9:00 am until 3:00 pm with vendors such as local florists, artisans, bakers, farmers, and food trucks to provide their own booths/canopies/trucks and remove said items once the market has closed for the day.

Approximately 16 acres of the project property will continue to be utilized for wheat cultivation, and approximately 4 acres of the property is proposed to be used for the existing brewery and a proposed events facility currently under review (CUP 2023-009). This proposed farmers market would utilize approximately 0.5 acres of the 4 acres developed for the brewery and events facility.

The 200-space parking lot has undergone the required SEPA Environmental Checklist review process and was issued a Mitigated Determination of Non-Significance for EA 2023-007 on November 3, 2023.

Application submittal and notification dates are described below:

1. The application for CUP 2023-010 was submitted to the Benton County Planning Division on May 10, 2023. (HEM 1.3)
2. The application for CUP 2023-010 was declared complete for processing on May 12, 2023. (HEM 1.5)
3. The application documents for CUP 2023-010 were distributed to reviewing agencies on May 16, 2023. (HEM 1.6)
4. As a result of comments received from the Benton County Public Works Department regarding the associated SEPA Environmental Checklist review, the application for CUP 2023-010 was determined to need additional processing time on May 26, 2023. (HEM 1.7)
5. An updated comment from the Benton County Public Works Department was submitted to the Benton County Planning Division on October 30, 2023. (HEM 1.10, HEM 1.13)
6. A Mitigated Determination of Non-Significance for EA 2023-007 was issued on November 3, 2023. (HEM 1.14)
7. The Benton County Hearings Examiner Notice of Open Record Hearing was published on November 29, 2023, in the Prosser Record Bulletin. (HEM 1.15)
8. The Notice of Hearing was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on November 22, 2023
9. The Open Record Hearing is scheduled for December 15, 2023.

**APPLICABLE STANDARDS/ORDINANCES:**

1. *Benton County Comprehensive Plan*  
3.3.2.4 Agricultural Lands  
Agricultural land is defined as land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production (RCW 36.70A.030(2))
  
2. *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.
  
3. *Benton County Code (BCC)*  
Title 6 Health, Welfare and Sanitation  
Chapter 6.35 Environmental Policy  
Section 6.35.055 Flexible Threshold for Categorical Exemptions.  
(a) The following exempt levels for minor new construction are established under WAC 197-11-800(1)  
(b) based on local conditions:  
(4) For parking lots in WAC 197-11-800(1)(b)(iv): Up to forty (40) parking spaces.
  
4. *Benton County Code (BCC)*  
Title 6A Health and Welfare  
Chapter 6A.15 Public Nuisance- Noise  
Section 6A.15.030 Definitions (b): Plainly Audible  
"Plainly audible" means able to be heard, understood or identified.  
  
Section 6A.15.040 Public Nuisance- Noise - Unlawful. It is unlawful for any person to make, continue, or cause to be made or continued or to allow to originate from his or her personal or real property any public nuisance noise which:  
(a) is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred (200) feet of any dwelling; and,  
(b) either annoys, disturbs, injures or endangers the health, comfort, repose, peace or safety of others.
  
5. *Benton County Code (BCC)*  
Title 11 Zoning  
Chapter 11.03 Definitions  
Section 11.03.010 (125): Non-agricultural Accessory Use  
"Non-agricultural Accessory Use" means the production or sale of goods, or the sale of services that are not normally and routinely a part of the chain of production and harvesting of an agricultural or horticultural crop, or livestock.

6. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.17 Growth Management Act Agricultural District (GMAAD)

Section 11.17.050 Accessory Uses

- (h) Retail sales establishment as an accessory use to a Winery/Brewery/Distillery including, trademark items, items which promote the region or the wine/beer/spirits industries, other regional value-added agricultural products, art, prepackaged foods and cheese, or related.

Section 11.17.070 Uses Requiring a Conditional Use Permit

- (p) Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Hearings Examiner:

- (1) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;
- (2) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;
- (3) The parcel on which the non-agricultural accessory use is located meets one of the following:

- (i) the parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;
- (ii) the parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW, as currently in effect or as hereafter amended;
- (iii) the parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.

- (4) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;
- (5) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;
- (6) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the nonagricultural accessory use;
- (7) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;
- (8) No more than two (2) signs of a size determined by the Hearings Examiner shall be permitted in connection with the non-agricultural accessory use. Illumination of a sign shall be only by hooded directional lighting so that only the sign surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right of-way may interfere with the line of sight for road intersection;
- (9) The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the

non-agricultural accessory use being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

- (10) Adequate off road parking, as determined by the Hearings Examiner, must be provided;
- (11) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations;
- (12) The days and hours of operation shall be determined by the Hearings Examiner with the granting of a Conditional Use Permit; and
- (13) The non-agricultural accessory use shall not require a marijuana retail outlet license from the Washington State Liquor and Cannabis Board.

7. *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 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:**

1. The public notice requirements for this application as per BCC 11.50.050(b) are as follows:
  - a. 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,
  - b. 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 May 16, 2023 and November 7, 2023:
  - a. Benton County Building Division
  - b. Benton County Code Enforcement
  - c. Benton County Fire District #1
  - d. Benton County Fire Marshal
  - e. Benton County Sheriff's Office
  - f. Benton County Public Works Department
  - g. Benton Franklin Health District
  - h. Benton PUD
  - i. Kennewick Irrigation District
  - j. Washington State Liquor and Cannabis Board
  - k. Washington State Department of Ecology
  - l. Washington State Department of Transportation

- 2a. The following comment was received from the Benton County Public Works Department (HEM 1.10) on May 19, 2023:
  - a. Benton County Public Works requires a Traffic Impact Analysis (TIA) for Locust Grove Road. The TIA can be emailed to publicworks@co.benton.wa.us for review.
  - b. If required, improvements to Locust Grove Road shall be done in accordance with the TIA's recommendations.
  
- 2b. The following comment was received from the Benton County Public Works Department (HEM 1.13) on October 30, 2023:
  - a. Benton County Public Works would like to revise previously sent comments for CUP 2023-010 and EA 2023-007.
  - b. Based on questions and concerns from the applicant concerning the Public Works Department's requirement that the applicant complete a Traffic Impact Analysis (TIA), for Locust Grove Road, we have completed a thorough review of the site and have concluded the following:
    - Current and projected traffic volumes on Locust Grove Road do not meet the thresholds to require Right Turn Lanes/Tapers and/or Left Turn Lanes, at this time.
    - As the approach will be used for business purposes, it will require improvements to properly delineate entering and exiting traffic from the facility.
  - c. Therefore, we respectfully amend our requirements as follows:
    - A Traffic Impact Analysis (TIA) will not be required of the applicant, at this time. Although, we do reserve the right to require one in the future should any changes be made to the CUP.
    - The current approach shall be delineated to control the entering and exiting of vehicles to and from the facility to Locust Grove Road. This may be accomplished through appropriate signage, striping and painted traffic arrows.
    - Contact the Public Works Department to schedule an inspection prior to implementing the required improvements
  
3. The following comment was received from the Benton County Building Division (HEM 1.11) on May 23, 2023:
  - a. From the perspective of the Building Division (excluding comments by the Fire Marshal) we note the following:
    - Change in the building design and addition of fixtures will require permitting and should be applied for with a revised set of plans
    - Any additional proposed buildings or infrastructure to support the proposed uses should be applied for and permitted (at this time it is assumed the brewery as it is being drawn together will be the only structure supporting the proposed event center and farmers market.
    - Any defined outdoor, whether enclosed, partially enclosed or otherwise creating a barrier should be identified through a site plan. Any outdoor area where alcohol will be served should be denoted.
    - Any change in use or occupancy of the existing brewery under construction should be noted at this time.
    - Architectural drawings and / or engineering analysis may be required pending proposed changes.
    - Fire Marshal review and code compliance for occupancy / fire flow / etc.
  
4. The following comment was received from the Benton County Fire Marshal (HEM 1.12) on May

30, 2023:

- a. The building has a set occupant limit, having additional uses on site could potentially cause the occupant limit to be exceeded. This occupant load should not be exceeded at any time.
- b. The additional uses should also not interfere with emergency vehicle access or the ability to turn around.
- c. There is a fire department connection (FDC) on site that will be used for firefighting purposes. The FDC should always be accessible and not blocked in any way.

### **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, Planning Staff recommends approval of the applicant's request with the following suggested findings of fact and conditions of approval.

### **SUGGESTED FINDINGS OF FACT**

1. The applicant is Christina Miller Phillips of Wheat Head Brewing, 96003 E Locust Grove Road, Kennewick, WA 99338.
2. The property owner is Beerland LLC, 54737 S Williams Rd., Kennewick, WA 99338
3. The applicant is requesting a Conditional Use Permit to operate a farmers market in the Growth Management Act Agricultural Zoning District on the same parcel as an existing brewery and agricultural uses.
4. The proposed farmers market facility is located in the Kennewick area of unincorporated Benton County, approximately 0.45 miles northwest of the intersection of Locust Grove and Clodfelter Roads. Parcel number 127883000002004.
5. The property is approximately 20 acres in size and agricultural in nature.
6. The property is currently surrounded by agricultural and residential uses.
7. The proposal includes 10-20 vendor spaces in the existing brewery patio and parking area.
8. The proposed farmers market would take place from 9:00 am until 3:00 pm on the first Tuesday of every month during the months of April-October.
9. Vendors such as local florists, artisans, bakers, farmers, and food trucks are to provide their own booths/canopies/trucks and remove said items once the market has closed for the day.
10. Approximately 16 acres of the project property will continue to be utilized for wheat cultivation.
11. Approximately 4 acres of the property is proposed to be used for the existing brewery and a proposed events facility currently under review (CUP 2023-009). The proposed farmers market would utilize 0.5 acres of the 4 acres developed for the brewery and events facility.

12. The 200-space parking area has undergone the required SEPA Environmental Checklist review process and was issued a Mitigated Determination of Non-Significance for EA 2023-007 on November 3, 2023.
13. Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Hearings Examiner:
  - (1) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;
  - (2) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;
  - (3) The parcel on which the non-agricultural accessory use is located meets one of the following:
    - i. the parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;
    - ii. the parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW, as currently in effect or as hereafter amended;
    - iii. the parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.
  - (4) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;
  - (5) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;
  - (6) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the nonagricultural accessory use;
  - (7) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;
  - (8) No more than two (2) signs of a size determined by the Hearings Examiner shall be permitted in connection with the non-agricultural accessory use. Illumination of a sign shall be only by hooded directional lighting so that only the sign surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road rightof-way may interfere with the line of sight for road intersection;
  - (9) The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the

non-agricultural accessory use being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

- (10) Adequate off road parking, as determined by the Hearings Examiner, must be provided;
  - (11) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations;
  - (12) The days and hours of operation shall be determined by the Hearings Examiner with the granting of a Conditional Use Permit; and
  - (13) The non-agricultural accessory use shall not require a marijuana retail outlet license from the Washington State Liquor and Cannabis Board.
14. The applicant submitted the following materials for the CUP review process on May 26, 2023:
    - a. Benton County Conditional Use Permit Application
    - b. Project Summary Letter
    - c. Benton Franklin Health District Well Inspection Form
    - d. Benton Franklin Health District Sewage Disposal Construction Permit
    - e. Washington State Department of Health Water Facilities Inventory Form
    - f. SEPA Checklist
    - g. Site plans
  15. There are no designated critical areas within the project area and a critical area report is not required.
  16. Public notice requirements have been met for CUP 2023-010.
  17. Comments were received from the following agencies:
    - a. Benton County Building Division
    - b. Benton County Code Enforcement
    - c. Benton County Fire Marshal
    - d. Benton County Sheriff's Office
    - e. Benton County Public Works Department
    - f. Benton Franklin Health District
  18. The application for CUP 2023-010 does meet the intent and standards of the Benton County Comprehensive Plan.
  19. The application for CUP 2023-010 does meet the definition, requirements, and standards of the Benton County Code, Title 11 (Zoning).
  20. The application for CUP 2023-010 does meet the requirements of Section 11.50.040 (d) Conditional Use - Permit Granted or Denied.

**SUGGESTED CONDITIONS OF APPROVAL:**

1. The ongoing activities on the site shall comply with the submitted site plan(s) and materials submitted for this application including but not limited to:
  - a. Benton County Conditional Use Permit Application
  - b. Project Summary Letter
  - c. Benton Franklin Health District Well Inspection Form

- d. Benton Franklin Health District Sewage Disposal Construction Permit
- e. Washington State Department of Health Water Facilities Inventory Form
- f. SEPA Checklist
- g. Site plans

2. Applicant is subject to Benton County Code Section 6A.15 Public Nuisance Noise.
3. The rules and regulations of the Washington State Liquor and Cannabis Board must be followed at all times. Appropriate permits or licenses must be obtained and maintained for any alcohol consumption on the premises. The owners/operators shall continue to meet all such requirements while Conditional Use Permit CUP 2023-010 is in effect.
4. The farmers market shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel.
5. The farmers market use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon.
6. The parcel shall be no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and produce a gross income equivalent to two hundred (200) dollars or more per acre each year.
7. The farmers market, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses.
8. There shall be no more than 20 vendors operating onsite at any one time.
9. The farmers market, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space.
10. No more than three (3) vehicles marked to identify the farmers market may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the nonagricultural accessory use
11. No more than two (2) signs of a size determined by the Hearings Examiner shall be permitted in connection with the farmers market. Illumination of a sign shall be only by hooded directional lighting so that only the sign surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right of-way may interfere with the line of sight for road intersection.
12. The parcel and farmers market owner shall comply with all requirements of the Benton County Building Division, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the non-agricultural accessory use.
13. Any waste created as a result of the farmers market must be disposed of off-site in compliance with all local, state, and/or federal regulations.
14. The farmers market shall only operate the first Tuesday of every month during the months of April-October during the hours of 9:00 am through 3:00pm. Any deviation will require this CUP to be amended.
15. Owners/operators shall be responsible to obtain and comply with any applicable federal, state, and local laws, and must obtain all necessary permits and approvals prior to operation.

16. 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.
17. A Group A water system shall be approved by the Washington State Department of Health prior to the Conditional Use Permit issuance and maintained for the life of CUP 2023-010.
18. This occupancy of the brewery structure shall not be exceeded at any time.

**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.

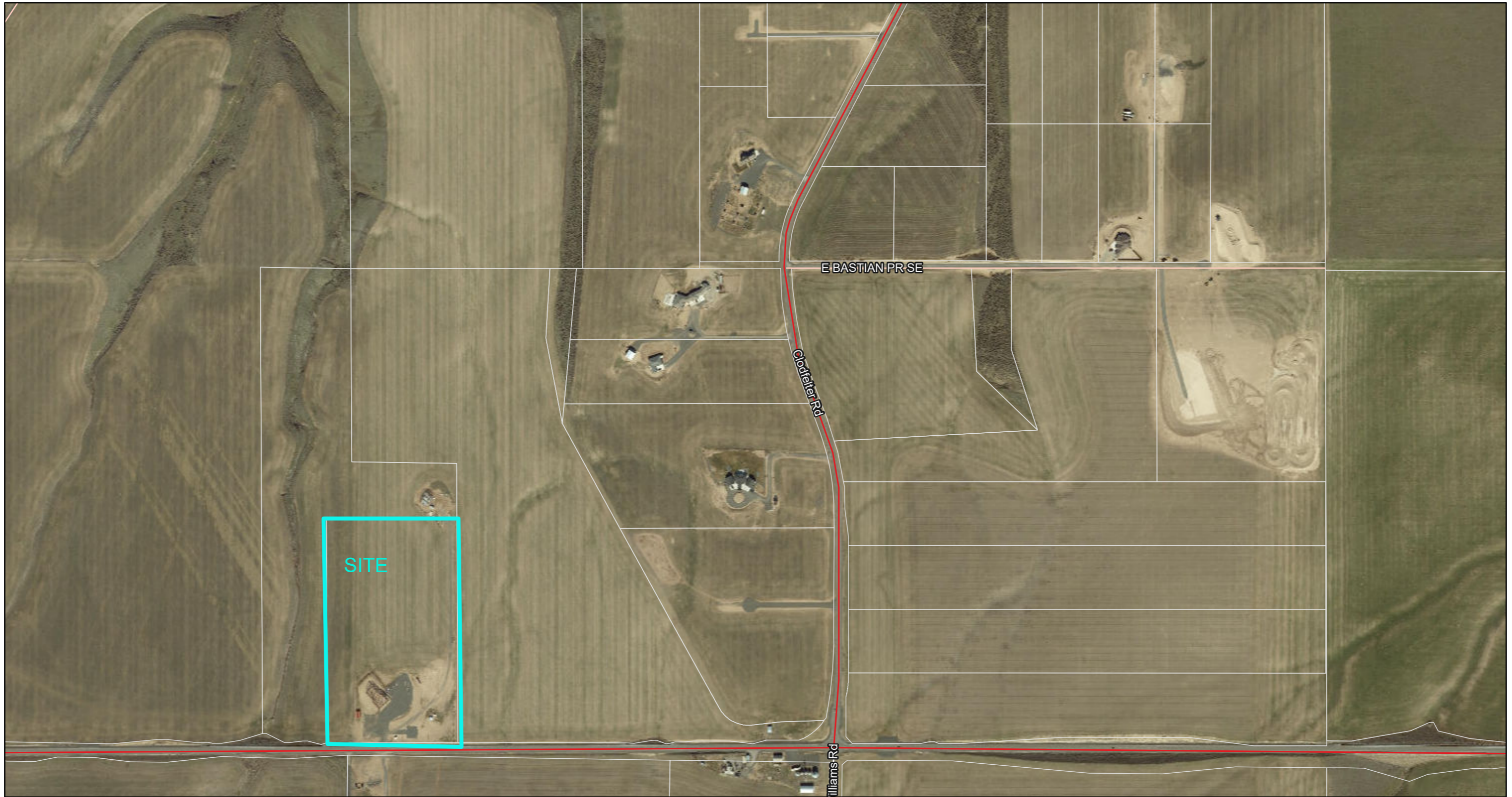
**TRANSFERABILITY:**

This Conditional Use Permit is not transferrable by a holder. If a new property owner wishes to operate a farmers market, they must apply for a new Conditional Use Permit.

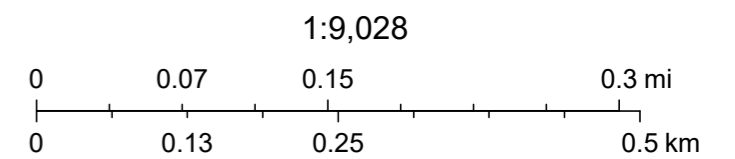
**VIOLATIONS OF CONDITIONS OF APPROVAL:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2023-010 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.



11/15/2023, 10:31:27 AM



Geophex Surveys Ltd., Maxar

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

CONDITIONAL USE PERMIT APPLICATION

File No. \_\_\_\_\_

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: CHRISTINA MILLER PHILLIPS  
Mailing Address: 96003 E Locust Grove Rd City: Kenn. State: WA ZIP: 99338  
Phone #1: 509-591-2460 Phone #2: \_\_\_\_\_  
Email Address(es): china509miller@gmail.com  
Signature: [Signature] Date: 9/27/2022

Name of Property Owner(s) (if different): LOREN MILLER  
Mailing Address: 59737 S.C. Williams Rd City: KENN. State: WA ZIP: 99338  
Phone #1: 509-727-2715 Phone #2: \_\_\_\_\_  
Email Address(es): thefarmerswife1713@gmail.com  
Signature: [Signature] Date: 9/27/2022  
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

Applicant/Legal Owner name: LOREN MILLER  
Officer name: CHRISTINA MILLER PHILLIPS Title: Owner  
Signature: [Signature] Date: 9-27-2022

THE ABOVE SIGNED OFFICER OF (name of entity) BEEKLAND LLC WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT (name of applicant) Christina Miller TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

PARCEL INFORMATION

4. Subject property address including city: 92308 E. LOCUST GROVE RD. KENN. WA.

5. Parcel #(s): 1 - 27 - 883 - 0000-2002 - - - - -

6. Acreage: 20

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

8. Utilities:

**Power:**  Benton PUD  Benton REA  Other: \_\_\_\_\_

**Sewer:**  Septic Tank  City Sewer  Other: \_\_\_\_\_

**Water:**  Individual well(s)  One well serving 2-4 lots  One well serving 5+ lots

City System Provider: Class B Public well

Private System Provider name and address: LOREN MILLER  
54737 S.C. Williams RD

**Gas:**  No  Yes Provider name: \_\_\_\_\_

**Irrigation:**  No  Yes Provider name: \_\_\_\_\_

9. Current use(s) on property: BREWERY And Agriculture

10. What are you proposing to do that requires a Conditional Use Permit? Host Farmers  
markets + events.

**For the following proposed uses, please attach the appropriate addendum form:**

Business Use, Detached Accessory Dwelling Unit, Child Care Facility (Type B), Bed & Breakfast, Mineral Extraction (Commercial Sand & Gravel), Commercial Kennel, Winery.

11. Additional comments or information: LETTER ATTACHED.

If further explanation is needed for any of the questions above, please attach additional pages.

**(FOR STAFF USE ONLY)**

Application Complete: Y N

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

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





North

4 TAPROOM  
BATHROOMS

EVENT YARD  
/ SOD.  
NO VEHICLES.

Area for farmers  
market

EXTRA PARKING

2 OUTDOOR  
ACCESS & BATH ROOMS

PATIO

BREWERY

PROPERTY LINE (TYP)

BREWERY

PARKING

DRIV

APPRC

Extra parking  
/ OVERFLOW  
PARKING

OVERHEAD  
POWERLINE

800-424-5555  
WORKING DAYS  
BEFORE YOU DIG

LOCUST GROVE ROAD

SITE PLAN

PARCEL NO. 1-2788-300-0002-002

SCALE: 1" = 4'

## Community Development Department

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



## Planning Division

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

May 12, 2023

Wheat Head Brewing Co.  
C/O Christina Miller Phillips  
96003 E Locust Grove Rd  
Kennewick, WA 99338

**Via Email:** [Tina509miller@gmail.com](mailto:Tina509miller@gmail.com)

RE: Written Determination of Completeness  
File Numbers: CUP 2023-009, CUP 2023-010, and EA 2023-007

Dear Applicant,

This office is in receipt of your project permit applications for Conditional Use Permits for an Event Center, a Farmers Market, and Environmental Checklist for the associated parking area at 92308 E Locust Grove Rd, Kennewick, WA 99338. We have determined that the required materials have been submitted and the application is complete. File numbers have been assigned (CUP 2023-009, CUP 2023-010, and EA 2023-007) and the review process will now begin.

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

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

Sincerely,

A handwritten signature in black ink that reads "Andrea Watts".

---

Andrea Watts, Senior Planner  
Benton County Planning Division

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)

**Planning Division**

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

May 16, 2023

Benton County Public Works Department  
Benton-Franklin Health District  
Benton County Fire District #1  
Benton County Building Division  
Benton County Fire Marshal  
Benton County Code Enforcement  
Benton PUD

**RE:** Agency review of a Conditional Use Permit application  
**File #:** CUP 2023-010  
**Parcel #:** 1-2788-300-0002-002  
**Applicant:** Wheat Heat Brewing c/o Christina Miller Phillips

Attached are the application materials for a Conditional Use Permit for your agency's review.

The applicant is proposing to operate a Farmers Market in association with an onsite Brewery that is currently being constructed. The market is proposed to take place April through October on the first Tuesday of each month with approximately 10-20 vendors. The project address is 92310 E Locust Grove, Kennewick, WA 99338.

**Please note:** Your agency may have recently received notification of an Environmental Checklist (**EA 2023-007**) for a 200+ space parking area to be constructed on-site and a notification of an additional Conditional Use Permit application (**CUP 2023-009**) for an Event Center at the same location.

*These uses are undergoing separate review and permitting, and it is requested that any comments or conditions are made for the separate actions/uses if possible.*

PLEASE SUBMIT YOUR COMMENTS to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **May 30, 2023**. Please reference file number **CUP 2023-010** 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

Community Development Department  
Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



Planning Division  
(509) 786-5612  
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[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

## FINDING OF NEED FOR ADDITIONAL PROCESSING TIME

File No. Wheat Head Brewing Co. Environmental Assessment and Conditional Use Permits  
CUP 2023-009, CUP 2023-010, and EA 2023-007

### FINDING

For the reasons set forth below, the Benton County Planning Manager hereby finds that additional processing time of up to six (6) months is necessary in connection with the SEPA and conditional use permit reviews of the Wheat Head Brewing Co. event center and farmers market project as submitted by Cristina Miller Phillips.

1. The above referenced environmental checklist and conditional use permits were submitted to the Benton County Planning Division on May 11, 2023.
2. The Planning Division has determined that additional information in the form of a Traffic Impact Analysis, as requested by the Benton County Public Works Department, is needed in order to proceed with the environmental review of the project and conditional use permits.
3. The Planning Division has determined that an extension of time is warranted and necessary for the review of the environmental assessment and conditional use permits due the Benton County Public Works Department requirements. The requirement for a Traffic Impact Analysis will delay the processing of the SEPA and conditional use permit applications while the analysis and applicable documentation is being completed.
4. Consequently, an additional processing time of up to six (6) months is justified and necessary with respect to the above referenced application.

Dated this 26th day of May, 2023.



  
Michelle Cooke, Planning Manager  
Community Development Department

**Nikki Relyea**

---

**From:** Tina Glines <glinest@bentonpud.org>  
**Sent:** Tuesday, May 16, 2023 1:34 PM  
**To:** Planning Department  
**Subject:** [EXTERNAL] RE: [E] CUP 2023-010 Wheat Head Brewing Farmers Market

**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:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Tuesday, May 16, 2023 10:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; larsr@bfhd.wa.gov; kinsey.taylor@bfhd.wa.gov; Tina Glines <glinest@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Brenda Webb <webbb@bentonpud.org>; Nancy Lang <langn@bentonpud.org>; Code Enforcement <code.enforcement@co.benton.wa.us>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; WA Dept of Health - Kelly Cooper <kelly.cooper@doh.wa.gov>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Fire District #1 - Staff <staff@bentonone.org>; lonnie@bentonone.org; WA Liquor & Cannabis Board - Courtney Zemanek <courtney.zemanek@lcb.wa.gov>; WA Liquor & Cannabis Board - Tara LaChance <tara.lachance@lcb.wa.gov>; WA Dept of Transportation - Paul Gonseth <Gonsetp@wsdot.wa.gov>; WA Dept of Ecology - Gwen Clear <crosepacoordinator@ecy.wa.gov>; WA Dept of Agriculture - Jada Burrell <jada.burrell@sc.usda.gov>; Segregations <segregations@co.benton.wa.us>; Kim Lettrick <k.lettrick@bces.wa.gov>; Nona.Engelhard@lcb.wa.gov  
**Cc:** Planning Department <Planning.Department@co.benton.wa.us>; Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Subject:** [E] CUP 2023-010 Wheat Head Brewing Farmers Market

[EXTERNAL EMAIL]

Hello,

**Nikki Relyea**

---

**From:** Lonnie Click <Lonnie@bentonone.org>  
**Sent:** Tuesday, May 16, 2023 2:27 PM  
**To:** Planning Department; Cristina Woods; Gary Tiplady; Matt Mahoney; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov); Benton Franklin Health District - JoDee Peyton; Justin Gerber; larsr@bfhd.wa.gov; kinsey.taylor@bfhd.wa.gov; Benton PUD - Tina Glines (glinest@bentonpud.org); Benton PUD - Shanna Everson; Benton PUD - Chad Brooks; Benton PUD - Brenda Webb; Benton PUD - Nancy Lang; Code Enforcement; SEPA Review - Washington Dept of Health; WA Dept of Health - Kelly Cooper; WA Dept of Transportation - SEPA Review - TDM Coordinator; Brad O'Brien; Brian Bell; GIS; Staff-BentonOne; WA Liquor & Cannabis Board - Courtney Zemanek; WA Liquor & Cannabis Board - Tara LaChance; WA Dept of Transportation - Paul Gonseth; WA Dept of Ecology - Gwen Clear; WA Dept of Agriculture - Jada Burrell; Segregations; Kim Lettrick; Nona.Engelhard@lcb.wa.gov  
**Cc:** Andrea Watts  
**Subject:** [EXTERNAL] RE: CUP 2023-010 Wheat Head Brewing Farmers Market

**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.

Correction.

Benton County Fire District #1 has no concerns about the Farmers Market at the location.

Thank you,



**Lonnie E. Click**

Fire Chief

Benton County Fire District #1

*"Dedicated to Providing the Highest Level of Public Safety Services to our Community"*

101108 E. Badger Rd | Kennewick, WA 99338

p-(509)737-0911 **Ext: 1111** | f-(509)737-0927 | [Lonnie@BentonOne.org](mailto:Lonnie@BentonOne.org)

Twitter: BCFD#1 (@BentonFire1PIO) | Facebook: Benton County Fire District #1 (@bcfire1)

---

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

**Sent:** Tuesday, May 16, 2023 10:39 AM

**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; larsr@bfhd.wa.gov; kinsey.taylor@bfhd.wa.gov; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Brenda Webb <webbb@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Code Enforcement <code.enforcement@co.benton.wa.us>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; WA Dept of Health - Kelly Cooper <kelly.cooper@doh.wa.gov>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Staff-BentonOne <staff@bentonone.org>; Lonnie Click <Lonnie@bentonone.org>; WA Liquor & Cannabis Board - Courtney Zemanek <courtney.zemanek@lcb.wa.gov>; WA Liquor & Cannabis Board - Tara

**Nikki Relyea**

---

**From:** Cristina Woods  
**Sent:** Friday, May 19, 2023 11:34 AM  
**To:** Planning Department  
**Subject:** RE: CUP 2023-010 Wheat Head Brewing Farmers Market

Good morning

I would like to recall my previous message of no comments.

We will be requesting the same as the EA 023-007

Benton County Public Works requires a Traffic Impact Analysis (TIA) for Locust Grove Road. The TIA can be emailed to [publicworks@co.benton.wa.us](mailto:publicworks@co.benton.wa.us) for review.

If required, improvements to Locus Grove Road shall be done in accordance with the TIA's recommendations.

If you have any questions, please contact Cristina Woods at 509 786 5611 or email [publicworks@co.benton.wa.us](mailto:publicworks@co.benton.wa.us).

Thank you



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

---

**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Tuesday, May 16, 2023 10:39 AM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Matt Mahoney <Matt.Mahoney@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Justin Gerber <justing@bfhd.wa.gov>; larsr@bfhd.wa.gov; kinsey.taylor@bfhd.wa.gov; Benton PUD - Tina Glines (glinest@bentonpud.org) <glinest@bentonpud.org>; Benton PUD - Shanna Everson <eversons@bentonpud.org>; Benton PUD - Chad Brooks <brooksc@bentonpud.org>; Benton PUD - Brenda Webb <webbbb@bentonpud.org>; Benton PUD - Nancy Lang <langn@bentonpud.org>; Code Enforcement <code.enforcement@co.benton.wa.us>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; WA Dept of Health - Kelly Cooper <kelly.cooper@doh.wa.gov>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; GIS <GIS@co.benton.wa.us>; Fire District #1 - Staff <staff@bentonone.org>; Lonnie@bentonone.org; WA Liquor &

## Andrea Watts

---

**From:** Brian Bell  
**Sent:** Tuesday, May 23, 2023 11:41 AM  
**To:** Andrea Watts  
**Cc:** Gary Tiplady; Brad O'Brien  
**Subject:** RE: Brewery modifications

Please accept this communication as it relates to **both the CUP for BOTH the proposed event center AND the proposed farmers market.**

From the perspective of the Building Division (excluding comments by the Fire Marshal) we note the following:

- Change in the building design and addition of fixtures will require permitting and should be applied for with a revised set of plans
- Any additional proposed buildings or infrastructure to support the proposed uses should be applied for and permitted (at this time it is assumed the brewery as it is being drawn together will be the only structure supporting the proposed event center and farmers market.
- Any defined outdoor, whether enclosed, partially enclosed or otherwise creating a barrier should be identified through a site plan. Any outdoor area where alcohol will be served should be denoted.
- Any change in use or occupancy of the existing brewery under construction should be noted at this time.
- Architectural drawings and / or engineering analysis may be required pending proposed changes.
- Fire Marshal review and code compliance for occupancy / fire flow / etc.

J. Brian Bell  
Assistant Manager  
Benton County Building Division  
(509) 735-3500



---

**From:** Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Sent:** Tuesday, May 16, 2023 11:54 AM  
**To:** Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>  
**Subject:** Brewery modifications

Good morning,

The Planning Division has received an application for a Conditional Use Permit for an Event Center and a Farmers Market. The two activities are to be associated with a Brewery that is currently being constructed at 92310 E LOCUST GROVE RD.

During the initial building permit (BP 37373) there was an area shown as a fire pump/control room:

## Andrea Watts

---

**From:** Gary Tiplady  
**Sent:** Tuesday, May 30, 2023 4:55 PM  
**To:** Andrea Watts  
**Subject:** RE: Brewery modifications

Andrea,

From the perspective of the Fire Marshal my comments would be:

The building has a set occupant limit, having additional uses on site could potentially cause the occupant limit to be exceeded. This occupant load should not be exceeded at any time.

The additional uses should also not interfere with emergency vehicle access or the ability to turn around.

There is a fire department connection (FDC) on site that will be used for fire fighting purposes. The FDC should always be accessible and not blocked in any way.

Let me know if you have any questions.

Gary Tiplady  
Benton County Fire Marshal  
509-735-3500  
Gary.Tiplady@co.benton.wa.

---

**From:** Andrea Watts <Andrea.Watts@co.benton.wa.us>  
**Sent:** Tuesday, May 16, 2023 11:54 AM  
**To:** Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>  
**Subject:** Brewery modifications

Good morning,

The Planning Division has received an application for a Conditional Use Permit for an Event Center and a Farmers Market. The two activities are to be associated with a Brewery that is currently being constructed at 92310 E LOCUST GROVE RD.

During the initial building permit (BP 37373) there was an area shown as a fire pump/control room:



**TO: PLANNING DEPARTMENT**

**FROM: CRISTINA WOODS**

**CC: MATT MAHONEY**

**DATE: OCTOBER 30, 2023**

**SUBJECT: COMMENTS – SEPA, EA 2023-007 & CUP 2023-009 (WHEAT HEAD BREWING CO.)**

---

Benton County Public Works would like to revise previously sent comments for CUP 2023-009 and EA 2023-007.

Based on questions and concerns from the applicant concerning the Public Works Department's requirement that the applicant complete a Traffic Impact Analysis (TIA), for Locust Grove Road, we have completed a thorough review of the site and have concluded the following:

- Current and projected traffic volumes on Locust Grove Road do not meet the thresholds to require Right Turn Lanes/Tapers and/or Left Turn Lanes, at this time.
- As the approach will be used for business purposes, it will require improvements to properly delineate entering and exiting traffic from the facility.

Therefore, we respectfully amend our requirements as follows:

- A Traffic Impact Analysis (TIA) will not be required of the applicant, at this time. Although, we do reserve the right to require one in the future should any changes be made to the CUP.
- The current approach shall be delineated to control the entering and exiting of vehicles to and from the facility to Locust Grove Road. This may be accomplished through appropriate signage, striping and painted traffic arrows.
- Contact the Public Works Department to schedule an inspection prior to implementing the required improvements.

If you have any questions, please contact Cristina Woods or Matt Mahoney at 509 786 5611 or email [publicworks@co.benton.wa.us](mailto:publicworks@co.benton.wa.us).

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)

**Planning Division**

(509) 786-5612  
[Planning.dept@co.benton.wa.us](mailto:Planning.dept@co.benton.wa.us)  
 102206 E Wiser Parkway, Kennewick, WA 99338

**MITIGATED DETERMINATION OF NON-SIGNIFICANCE****Proponent:**

Wheat Head Brewing Co.  
 C/O Christina Miller Phillips  
 96003 E Locust Grove Rd  
 Kennewick, WA 99338

**File No.** EA 2023-007

**Benton County has received a permit application for the following project:**

The construction of a 200-space parking lot for a brewery, proposed farmers market, and proposed event center.

**Project Location:**

The project is in unincorporated Benton County, generally located in the Kennewick area, approximately 0.45 miles northwest of the intersection of Locust Grove and Clodfelter Roads. The parcel is legally described as Parcel A of Record Survey 5733 (filed under Benton County Auditor's File Number 2022-035139) in Section 27, Township 08 North, Range 28 East, W. M., parent parcel number 127883000002002.

**Jurisdiction:** Benton County, Washington

**Lead Agency:** Benton County Planning Division

**Threshold Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c), provided that the following measures are taken to mitigate potential adverse impacts. Substantive authority to require mitigation is derived from WAC 197-11-660 and Benton County Code, Chapter 6.35.120. The decision was made after review of a completed environmental checklist, comments received from various agencies and other information on file with the lead agency. This information is available to the public on request.

**Conditions/Mitigating Measures:** See attached conditions. Benton County has received timely comments and determined that such conditions are necessary to mitigate specific adverse impacts.

**Appeals:** You may appeal this determination to the Benton County Planning Division at 102206 E Wiser Parkway, Kennewick, WA 99338, no later than Thursday, November 16, 2023, by written notice. The fee for a threshold determination appeal is \$800.00. An appeal of the determination must be made in writing to the Benton County Planning Division and a public hearing will be scheduled and the appellant will be notified of the date, time, and place. You should be prepared to make specific factual objections. Contact the Planning Division to read or ask about the procedures for SEPA appeals.

**SEPA Responsible Official:** Michelle L. Mercer

**Position/Title:** Planning Manager

**Address:** 102206 E Wiser Parkway, Kennewick, WA 99338

Date: November 3, 2023

Michelle L. Mercer, Planning Manager  
 Benton County Community Development Department

## CONDITIONS/MITIGATION MEASURES

### File No. EA 2023-007 – Wheat Head Brewing Co. Parking Lot

**Applicant:** Wheat Head Brewing Co.  
C/O Christina Miller Phillips  
96003 E Locust Grove Rd  
Kennewick, WA 99338

The environment threshold determination and conditions are based on an analysis of information contained in the file and the following documents.

1. Benton County, BCC Title 6.35 Environmental Policy (SEPA);
2. Benton County, BCC Title 11, Zoning;
3. Benton County Comprehensive Plan;
4. Benton County, BCC Title 15 Critical Area Ordinance;
5. Benton County, BCC Title 3 Building Code, Fire Code, and Road Standards; and
6. Regulations of the Washington State Department of Fish and Wildlife, Department of Ecology, Department of Natural Resources, and Department of Archaeology and Historic Preservation.

### Findings:

1. Location:
  - a. The project is in unincorporated Benton County, generally located in the Kennewick area, approximately 0.45 miles northwest of the intersection of Locust Grove and Clodfelter Roads. The parcel is legally described as Parcel A of Record Survey 5733 (filed under Benton County Auditor's File Number 2022-035139) in Section 27, Township 08 North, Range 28 East, W. M., parent parcel number 127883000002002.
2. Scope of work:
  - a. The construction of a 200-space parking lot for a brewery, proposed farmers market, and proposed event center.
3. The applicant submitted the following materials for the SEPA review process:
  - a. SEPA Environmental Checklist dated May 11, 2023.
  - b. Site Plan
4. Benton County, BCC Title 11, Zoning:
  - a. The zoning designation for the project area is Growth Management Act Agricultural District (GMA AD).
5. Benton County Comprehensive Plan:
  - a. The project area is designated Growth Management Agriculture in the Benton County Comprehensive Plan.
6. Benton County, BCC Title 15, Critical Area Ordinance:
  - a. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, the project site does not contain FEMA designated flood zones, wetlands, geologically hazardous areas, critical aquifer recharge areas, or priority habitat areas.
  - b. Wetlands: None identified.
  - c. Critical Aquifer Recharge Area: None identified.
  - d. Fish and Wildlife Habitat Conservation Area: None identified.
  - e. Frequently Flooded Areas: None identified.
  - f. Geologically Hazardous Areas: None identified.
7. The following comments were submitted by the Washington State Department of Ecology on May 26, 2023:
  - a. Water Quality  
Project with Potential to Discharge Off-Site
    - i. If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit

requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

- ii. The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
- iii. In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.
- iv. More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens at the Dept. of Ecology, (509) (509) 571-3866 or [llst461@ecy.wa.gov](mailto:llst461@ecy.wa.gov) with questions about this permit.

b. Water Resources

- i. 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, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial 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.
- ii. If you have any questions or would like to respond to these Water Resources comments, please contact Christopher Kossik at (509) 379-1826 or email at [christopher.kossik@ecy.wa.gov](mailto:christopher.kossik@ecy.wa.gov).

8. The following comments were submitted by the Benton County Public Works Department on May 19, 2023:

- a. Benton County Public Works requires a Traffic Impact Analysis (TIA) for Locust Grove Road. The TIA can be emailed to [publicworks@co.benton.wa.us](mailto:publicworks@co.benton.wa.us) for review.
- b. If required, improvements to Locus Grove Road shall be done in accordance with the TIA's recommendations.
- c. If you have any questions, please contact Cristina Woods at 509 786 5611 or email [publicworks@co.benton.wa.us](mailto:publicworks@co.benton.wa.us).

9. The following revised comments were submitted by the Benton County Public Works Department on October 30, 2023:

- a. Based on questions and concerns from the applicant concerning the Public Works Department's requirement that the applicant complete a Traffic Impact Analysis (TIA), for Locust Grove Road, we have completed a thorough review of the site and have concluded the following:
  - i. Current and projected traffic volumes on Locust Grove Road do not meet the thresholds to require Right Turn Lanes/Tapers and/or Left Turn Lanes, at this time.
  - ii. As the approach will be used for business purposes, it will require improvements to properly delineate entering and exiting traffic from the facility.
- b. Therefore, we respectfully amend our requirements as follows:
  - i. A Traffic Impact Analysis (TIA) will not be required of the applicant, at this time. Although, we do reserve the right to require one in the future should any changes be made to the CUP.
  - ii. The current approach shall be delineated to control the entering and exiting of vehicles to and from the facility to Locust Grove Road. This may be accomplished through appropriate signage, striping and painted traffic arrows.
  - iii. Contact the Public Works Department to schedule an inspection prior to implementing the required improvements.
- c. If you have any questions, please contact Cristina Woods or Matt Mahoney at 509 786-5611 or email [publicworks@co.benton.wa.us](mailto:publicworks@co.benton.wa.us).

**Conditions:**

The applicant is responsible for providing the Planning Division with verification and approval of any listed condition. The applicant shall meet and comply with the following mitigating conditions for this Mitigated Determination of Non-

Significance (MDNS).

1. Meet and Comply with the Department of Ecology requirements which include:
  - a. Obtain a NPDES Construction Stormwater General Permit if project anticipates disturbing ground with the potential for stormwater discharge off-site.
  - b. Obtain authorization from the Department of Ecology before diverting surface water or withdrawing over 5,000 gallons of ground water per day and/or irrigation of over one-half acre of non-commercial lawn and garden.
2. Meet and comply with the Benton County Public Works Department requirements which include:
  - a. The current approach shall be delineated to control the entering and exiting of vehicles to and from the facility to Locust Grove Road.
  - b. Contact the Public Works Department to schedule an inspection prior to implementing the required improvements.
3. Meet and comply with the Benton County Planning Division requirements which include:
  - a. Prior to issuance of any development permits, the applicant must obtain any required permits from the Benton Franklin Health District, Benton County Building Division, and Benton County Planning Division.



**Community Development Department**  
 Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)

**Planning Division**  
 (509) 786-5612  
[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
 102206 E Wiser Parkway, Kennewick, WA 99338

## NOTICE OF OPEN RECORD HEARINGS

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

NOTICE IS FURTHER GIVEN that said the Benton County Hearings Examiner will hold an open record public hearing for each of the below stated applications on **December 15, 2023** at 10 a.m. in the Planning Hearing Room, First Floor Courthouse, 620 Market Street Prosser, WA 99350. The hearings will be held in-person and virtually/telephonically via Webex. To find information on attendance and testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>.

**VARIANCE PERMIT – VAR 2023-007** The applicant, John Sawyer, is proposing to construct a 20' x 26' shop on his property at 937 View Drive, Richland, WA 99352 and is requesting a variance to reduce the 25' setback from the north property line by 20 feet. The Rural Lands 1 Acre District (RL-1) requires all structures have a setback of 25 feet from the edge of any access easements. The granting of this variance would allow the proposed shop to have a setback of 5 feet from the north property line. Parcel #1-2298-201-0046-001.

**CONDITIONAL USE PERMIT – CUP 2023-009** The applicant, Christina Miller of Wheat Head Brewing, is proposing to operate an event center in association with an onsite brewery that is currently under construction in the Growth Management Agriculture District (GMAAD) at 92308 E Locust Grove, Kennewick, WA 99338. There are proposed to be 10 to 15 indoor/outdoor events per year with no more than 200 guests per event. Parcel # 1-2788-300-0002-004.

**CONDITIONAL USE PERMIT – CUP 2023-010** The applicant, Christina Miller of Wheat Head Brewing, is proposing to operate a farmers market in association with an onsite brewery that is currently under construction in the Growth Management Agriculture District (GMAAD) at 92308 E Locust Grove, Kennewick, WA 99338. The market is proposed to take place April through October on the first Tuesday of each month with approximately 10-20 vendors. Parcel # 1-2788-300-0002-004.

**CONDITIONAL USE PERMIT – CUP 2023-015** The applicant, Lenard Beierle, is proposing to construct an airstrip for a commercial crop dusting operation on DNR owned property within the Growth Management Agriculture District (GMAAD). The airstrip will include a 2,800 foot by 40 foot compacted dirt runway with a 120 foot by 100 foot loading area. Parcel # 1-2675-200-0000-000.

Anyone may participate in the hearings and present testimony or comments on an application. Persons may appear in person or virtually/telephonically during the hearing or provide written testimony to the Hearings Examiner (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](mailto:planning.department@co.benton.wa.us), mailed to or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wiser Parkway, Kennewick, WA 99338. Any information submitted to Benton County is subject to the public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other laws that may require the release of the documents to the public.

If you wish to provide testimony during the hearing (in person or virtually), we ask that you inform the Planning Division before the meeting. You can do that by filling out a Request to Testify form at <https://tinyurl.com/testifyform> or by contacting our office to be added to the list. **You must submit a request for each hearing in which you wish to participate.** We ask that participants who will be attending virtually please limit background noise and/or mute their line to prevent interruptions of the meeting.

If you have questions regarding any of the actions before the Hearings Examiner or the hearing process, please contact the Planning Division at (509) 786-5612, 102206 E Wiser Parkway, Kennewick, WA 99338, or [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

Dated this 22nd day of November, 2023.

PUBLICATION DATE: November 29, 2023

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. MERCER, Planning Manager  
Community Development Department