

**EXHIBIT LIST FOR CUP 2023-011  
Red Mountain Shaw Vineyards**

<b>Hearings Examiner Staff Memo Exhibit List -September 15, 2023 hearing</b>		
HEM 1.1	Staff Memo	September 6, 2023
HEM 1.2	Vicinity map	May 15, 2023
HEM 1.3	Application	May 15, 2023
HEM 1.4	Site Plan	May 15, 2023
HEM 1.5	Written Determination of Incompleteness	May 23, 2023
HEM 1.6	Approval from Department of Natural Resources	July 18, 2023
HEM 1.7	Written Determination of Completeness	July 20, 2023
HEM 1.8	Agency review request	July 20, 2023
HEM 1.9	Comment from Benton County Public Works	July 24, 2023
HEM 1.10	Comment from Department of Natural Resources	August 2, 2023
HEM 1.11	Comment from Benton County Fire Marshal	September 7, 2023
HEM 1.12	Notice of Open Record Hearings	August 30, 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		

**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)

**STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER**  
**Shaw Vineyards**  
**Agri-tourism Accommodations**

**FILE NO:** CUP 2023-011

**HEARING DATE:** September 15, 2023

**APPLICANT:** Tyler Franzheim, Shaw Vineyards  
 3019 Duportail, St# 312, Richland, WA 99352

**OWNER:** Washington Department of Natural Resources  
 PO Box 47016, Olympia, WA 98504

**LOCATION:** General Location:  
 The property is located approximately 3 miles north of the intersection of Demoss and SR 224 approximately 1.5 miles northeast of the City of Benton City.

Situs Address:  
 60195 N Demoss Road, Benton City, WA 99320.

Abbreviated Legal:  
 A portion of Section 32, Township 10N, Range 27E, W.M.

Parcel Number:  
 1-3207-400-0000-000

**PROPERTY SIZE:** Approximately 273.70 acres

**AREA TO BE USED:** Approximately 7 acres

**LAND USE:** Agricultural and winery

**ZONING:** Red Mountain Agricultural District (RMAD)

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

**RECOMMENDATION:**

The Planning Division recommends approval of the application request, subject to the suggested eleven (11) Findings of Fact and nine (9) Conditions of Approval as outlined in this Staff Report.

**APPLICATION DESCRIPTION:**

The applicants are requesting a Conditional Use Permit to provide overnight agri-tourism accommodations in the Red Mountain Agricultural Zoning District.

The proposed agri-tourism accommodations include five (5) recreational vehicle (RV) sites located southwest of the existing winery facility. Each spot will be equipped with potable water, sewer connections, and 50 AMP power pedestals. The RV sites are proposed to be graveled and include a 30' x 60' yard area with privacy landscaping.

The accommodations are proposed to be available by reservation only during the months of May to October.

The property is located off of Demoss Road in unincorporated Benton County, approximately 3 miles north of the intersection of Demoss and SR 224 approximately 1.5 miles northeast of the City of Benton City. The situs address is: 60195 N Demoss Road, Benton City, WA 99320.

Application submittal and notification dates are described below:

1. The application for CUP 2023-011 (HEM 1.3) was submitted to the Benton County Planning Division on May 15, 2023.
2. The application for CUP 2023-011 was declared incomplete for processing on May 23, 2023. (HEM 1.5)
3. Additional application documents for CUP 2023-011 were submitted on July 18, 2023. (HEM 1.6)
4. The application for CUP 2023-011 was declared complete for processing on July 20, 2023. (HEM 1.7)
5. The application documents for CUP 2023-011 were distributed to reviewing agencies on July 20, 2023. (HEM 1.8)
6. The Benton County Hearings Examiner Notice of Open Record Hearing was published on August 30, 2023, in the Prosser Record Bulletin. (HEM 1.11)
7. The Notice of Hearing was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on August 25, 2023.
8. The Open Record Hearing is scheduled for September 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))

##### 3.3.2.5 Agricultural Land Use Designation

GMA Agriculture (GMA AG) includes agricultural land (such as dryland and irrigated land) identified by the County based on the criteria established by the GMA. A GMA Agricultural District zone conserves agricultural lands by establishing a 20-acre minimum parcel size and (with exceptions e.g., resort destinations, wineries) limits the range of other land uses to those which are dependent upon, supportive of, ancillary to, or compatible with, agricultural production as the principal land use.

2. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.03 Definitions

Section 11.03.010 (13): Agri-tourism Accommodation

"Agri-tourism Accommodation" means an agricultural business or organization offering overnight lodging in an agricultural setting. The purpose is to provide temporary tourist accommodations that are accessory to an onsite or adjacent agricultural use. Overnight lodging facilities are not to exceed a maximum of 5 guest units. An agri-tourism accommodation does not include bed and breakfast establishments, motels, hotels, and other similar uses.

3. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.19 Red Mountain Agricultural District (RMAD)

Section 11.19.070 Uses Requiring a Conditional Use Permit

(h) Agri-tourism accommodations.

4. *Benton County Code (BCC)*

Title 11 Zoning

Chapter 11.50 Variance and Conditional Use

Section 11.50.040 Conditional Use - General Standards

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

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

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

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

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

- (1) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district;
- (2) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (3) Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district;
- (4) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area; and

- (5) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

It is the applicant's burden to present sufficient evidence to allow the above conclusions to be made. If such evidence is not presented or all necessary reasonable conditions are not identified by the applicant 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 July 20, 2023:
  - a. Benton County Building Division
  - b. Benton County Code Enforcement
  - c. Benton County Fire District #4
  - d. Benton County Fire Marshal
  - e. Benton County Public Works Department

- f. Benton Franklin Health District
  - g. Benton REA
  - h. City of West Richland
  - i. Washington State Department of Natural Resources
2. The following comment was received from the Benton County Public Works Department on July 24, 2023: **(HEM 1.9)**
    - a. Public Works has no comments.
    - b. Road approach permit 2019-236 has been issued for the proposed access to Demoss Rd.
  3. The following comment was received from the Department of Natural Resources **(HEM 1.10)** on August 2, 2023:
    - a. DNR approves the documents as submitted.
  4. The following comment was received from the Benton County Fire Marshal on September 7, 2023: **(HEM 1.11):**
    - a. Upon review of Shaw Vineyards proposal to install 5 RV sites the applicant will need to comply with BCC 3.18.045.
  5. The following are comments from the **Benton County Planning Division:**
    - a. Requirements for signage are detailed within *Benton County Code (BCC) Chapter 3.06 Uniform Sign Code*.
    - b. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, designated critical areas (Geologically Hazardous and Priority Habitat) have been identified on this property. A critical area report is not required for the processing of a Conditional Use Permit for the proposed activity at this location.

**FINDINGS OF FACT AND CONDITIONS OF APPROVAL:**

The following suggested Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the public hearing for this application will need to be considered by the Hearings Examiner and may be added to the Findings of Fact and Conditions of Approval. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

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

**SUGGESTED FINDINGS OF FACT:**

1. The applicant is Tyler Franzheim for Shaw Vineyards, 3019 Duportail, St# 312, Richland, WA 99352.
2. The applicant is requesting a Conditional Use Permit to provide agri-tourism accommodations associated with an existing winery on parcel number 1-3207-400-0000-000 which is approximately 273 acres.

3. The property is located off of Demoss Road in unincorporated Benton County, approximately 3 miles north of the intersection of Demoss and SR 224 approximately 1.5 miles northeast of the City of Benton City.
4. The property is zoned Red Mountain Agricultural District (RMAD).
5. Surrounding land uses are similar in nature to the applicant's current primary agricultural use of the property. Agricultural uses are the primary land use on adjacent parcels.
6. The application for CUP 2023-011 meets the intent and standards of the Benton County Comprehensive Plan.
7. The application for CUP 2023-011 meets the definition, requirements, and standards of the Benton County Code, Title 11.
  - a. The agri-tourism accommodations are associated with an agricultural business or organization to offer overnight lodging in an agricultural setting.
  - b. Overnight lodging facilities are not to exceed a maximum of 5 guest units.
8. There are designated Geologically Hazardous Areas of steep slopes and erosion on this property as well as Priority Habitat and Species Areas. A critical area report is not required for the processing of a conditional use permit for the proposed activity at this location.
9. Public notice requirements have been met for CUP 2023-011.
10. Agency comments were received from:
  - a. Benton County Public Works Department
  - b. WA State Department of Natural Resources
  - c. Benton County Fire Marshal
11. There were no comments received from the public.

**SUGGESTED CONDITIONS OF APPROVAL:**

1. The ongoing activities on the site shall comply with the submitted site plan and materials submitted for this application including but not limited to:
  - a. The parcel on which the agri-tourism accommodations are permitted shall continually meet the following: The agri-tourism accommodations are associated with an agricultural business or organization to offer overnight lodging in an agricultural setting.
  - b. Overnight lodging facilities are not to exceed a maximum of 5 guest units.
2. All required development permits/approvals shall be obtained prior to issuance of the Conditional Use Permit. This includes approval of permits required by the following agencies, as applicable:
  - a. Benton County Building Division
  - b. Benton County Fire Marshal
  - c. Benton County Public Works
  - d. Benton County Planning Division
  - e. Benton Franklin Health District
3. The applicant will meet and comply with *Benton County Code 3.06 Sign Code*. Off-site signage will not be permitted.

4. Vehicle parking associated with the activities on the property shall be accommodated on the site. No vehicle parking is allowed in the County right of way.
5. The business shall comply with *Benton County Code Title 11* for the life of the conditional use.
6. Future construction or activities associated with this business operation require review under the Benton County Zoning Ordinance. Applicants shall contact the Planning Division prior to any construction or changes in activities on site.
7. New construction at the site requires the review by the County Building Division and a determination if permits and/or engineered designs are required.
8. 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.
9. The project facility shall follow the rules and regulations of the Benton-Franklin Health District at all times, including standards for drinking water, on-site sewage systems, and BFHD standards for composting of mortalities.

**TIME TO COMPLETE CONDITIONS OF APPROVAL:**

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

If the conditions of approval have not been met and the Planning Division does not issue the Conditional Use Permit within one (1) year from the date of this decision, the Hearings Examiner may declare it null and void. Prior to doing so, the applicant shall be notified in writing at the applicant's last known address at least twelve (12) days in advance of the upcoming Hearings Examiner meeting.

**TRANSFERABILITY:**

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

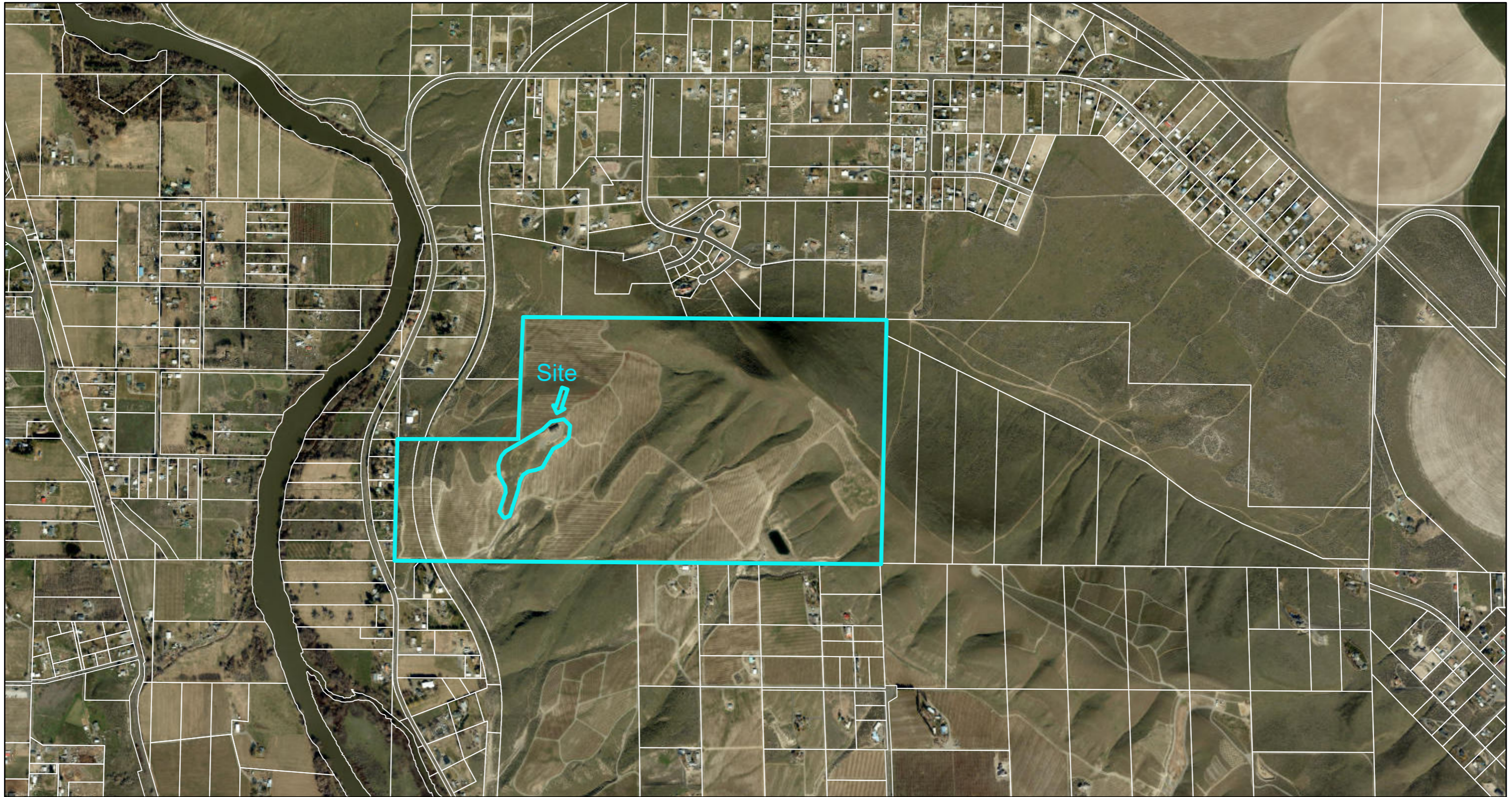
**VIOLATIONS OF CONDITIONS OF APPROVAL:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2023-011 is in effect.

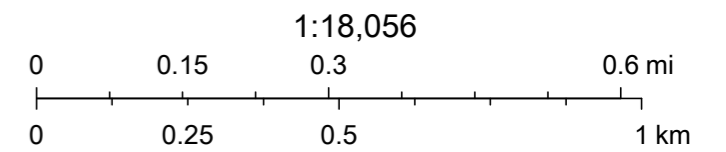
Any violation of the conditions of approval will be processed in accordance with BCC Title 11, Chapter 11.43 Administration and Disposition of Infractions. If the Conditional Use Permit has been issued and violations exist, the Hearings Examiner may revoke the permit after an open record hearing with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

# CUP 2023-011 Vicinity Map

HEM 1.2



8/18/2023, 8:16:41 AM



Geophex Surveys Ltd., Maxar



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

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

CONDITIONAL USE PERMIT  
APPLICATION

RECEIVED

MAY 15 2023

File No. WP 2023-011

Benton Co. Planning Dept.

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Applicant/Agent: Tyler Franzheim  
Mailing Address: 3019 Duportail St #312 City: Richland  
State: WA ZIP: 99352 Phone: 253-549-3987 Work: \_\_\_\_\_  
Email Address: tyler@shawvineyards.com

Signature: [Signature] Date: 9/9/22

Property Owner(s) (if different): Richard Shaw/DNE Lense  
Mailing Address: 3019 Duportail St #312 City: Richland  
State: WA ZIP: 99352 Phone: 253-549-3987 Work: \_\_\_\_\_  
Email Address: tyler@shawvineyards.com

Signature: \_\_\_\_\_ Date: 9/9/22

Signature: [Signature] Date: 10/28/22

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

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.

ENTITY SIGNATURE BLOCK

If the applicant or legal owner of the property is a corporation, partnership, trust or LLC use the following signature block.

Applicant/Legal Owner: \_\_\_\_\_

Officer name: \_\_\_\_\_

Title: \_\_\_\_\_

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

THE ABOVE SIGNED OFFICER OF \_\_\_\_\_ (name of entity)

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

PARCEL INFORMATION

1. Subject property address: 60195 N Demoss Rd.

City: Benton City State: WA ZIP: 99320

2. Parcel number: 1 - 3 2 0 7 - 4 0 0 - 0 0 0 0 - 0 0 0 3. Acreage: 273.70

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: Agriculture

7. What is the proposed use? (5) RV parking pads available by reservation to accommodate visitors and promote Red Mountain agri tourism and wine/grape growing industry. Each site will have power, water, sewer connection and small landscaped yard.

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: Outdoor seating

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

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 (part time/seasonal)

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

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

Days: 4 Hours: 11:00 AM- 6:00PM

a) Will the operation be seasonal? Months of operation: May-October

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)? 1

b) Height of sign(s)? 4' top of sign above ground

c) Dimensions of sign(s)? 3' T X 5' W

d) Location of sign(s)? Intersection of Driveway and Demoss Rd.

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

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

17. How many parking spaces will be provided? Existing: 0 Proposed: 5 Surface Type: gravel

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

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

b) Is the road constructed out of:  Pavement  Gravel

19. Is any outdoor lighting proposed?  Yes  No

a) Where will it be located? On each individual unit and landscape lighting.

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

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

a) What type and where will it be located? \_\_\_\_\_

21. Additional comments or information: Accommodations available during the summer months for a limited night stay.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(FOR STAFF USE ONLY)

Application Complete: Y N

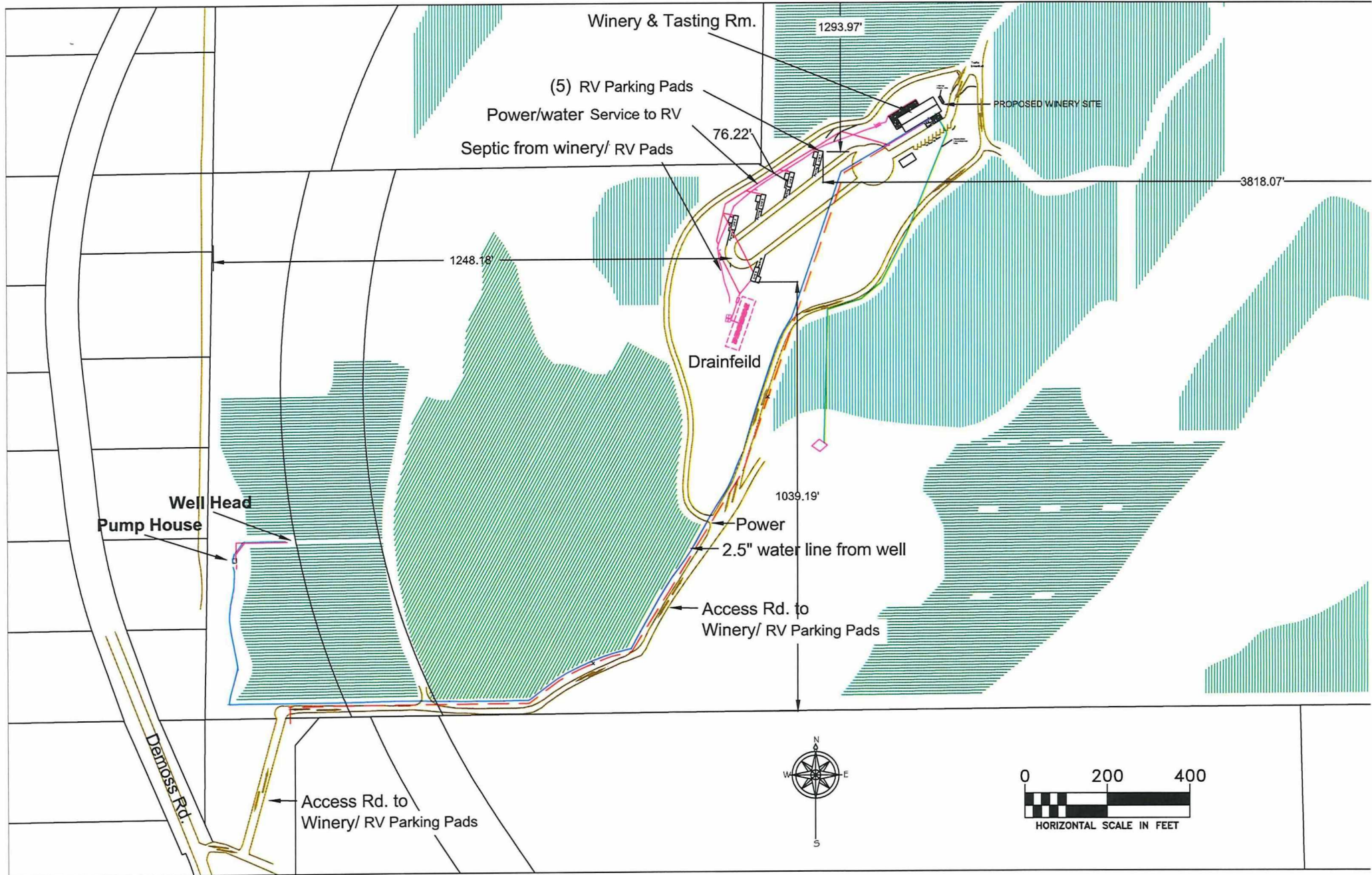
Critical Areas: N Y: \_\_\_\_\_

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

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

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





## Community Development Department

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wisner 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)

March 23, 2023

Shaw Vineyards  
C/O Tyler Franzheim  
3019 Duportail St #312  
Richland, WA 99352

[Tyler@shawvineyards.com](mailto:Tyler@shawvineyards.com)

RE: Determination of Incomplete Application

Dear Mr. Franzheim,

This office is in receipt of your project permit application for a Conditional Use Permit. Upon reviewing your application, our office has determined that the required materials for a complete application have not been submitted.

In order for your application to be deemed complete, you must provide this office with written verification from the Department of Natural Resources of their approval for the proposed five full service recreational vehicle sites to be used as agritourism accommodation.

We will retain the application and application materials for 90 days following this letter to allow you the necessary time to obtain DNR verification. The information that is noted above will need to be submitted to our office for review to determine whether it is sufficient to declare the project permit application complete or whether more clarification or information will be required before the application can be deemed complete.

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

Sincerely,

---

Andrea Watts, Senior Planner  
Community Development Department  
Planning Division

## Tyler Franzheim

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**From:** KOPF, TIM (DNR) <tim.kopf@dnr.wa.gov>  
**Sent:** Tuesday, July 18, 2023 9:09 AM  
**To:** Tyler Franzheim  
**Cc:** CLOUD, RYAN (DNR); Cypert, Rhetta (DNR); Marsh, Donnita (DNR)  
**Subject:** RE: Shaw Sec. 32 Property RV Parking

Good morning Tyler,

That is correct, we are approving the construction of 5 full service RV sites as proposed in the conditional use permit.

### Tim Kopf

Tri-Cities Unit Land Manager  
Southeast Region  
Washington State Department of Natural Resources  
(509) 528-2894  
[tim.kopf@dnr.wa.gov](mailto:tim.kopf@dnr.wa.gov)  
[www.dnr.wa.gov](http://www.dnr.wa.gov)

---

**From:** Tyler Franzheim <tyler@shawvineyards.com>  
**Sent:** Tuesday, July 18, 2023 8:37 AM  
**To:** KOPF, TIM (DNR) <tim.kopf@dnr.wa.gov>  
**Subject:** RE: Shaw Sec. 32 Property RV Parking

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### External Email

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Thanks Tim,

To confirm Department of Natural Resources is providing permission to move forward with construction of 5 full service Recreational Vehicle sites as proposed in the conditional use permit application.

Thank you,

Tyler

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**From:** KOPF, TIM (DNR) <[tim.kopf@dnr.wa.gov](mailto:tim.kopf@dnr.wa.gov)>  
**Sent:** Tuesday, July 18, 2023 7:18 AM  
**To:** Tyler Franzheim <[tyler@shawvineyards.com](mailto:tyler@shawvineyards.com)>  
**Subject:** RE: Shaw Sec. 32 Property RV Parking

Good morning Tyler,

The Department agrees that RV's would be an acceptable use of the property with the understanding that the septic tank system used for the purpose would be removed when RV use is discontinued.

Hopefully this email will suffice for the county, but if not let me know. If you need a letter and have one drafted that we can sign that meets your needs please forward that to me.

Sincerely,

**Tim Kopf**

Tri-Cities Unit Land Manager  
Southeast Region  
Washington State Department of Natural Resources  
(509) 528-2894  
[tim.kopf@dnr.wa.gov](mailto:tim.kopf@dnr.wa.gov)  
[www.dnr.wa.gov](http://www.dnr.wa.gov)

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**From:** Tyler Franzheim <[tyler@shawvineyards.com](mailto:tyler@shawvineyards.com)>  
**Sent:** Monday, July 17, 2023 4:53 PM  
**To:** KOPF, TIM (DNR) <[tim.kopf@dnr.wa.gov](mailto:tim.kopf@dnr.wa.gov)>  
**Subject:** Shaw Sec. 32 Property RV Parking

External Email

Tim,

I wanted to follow up on our conversation Friday regarding a final letter for acceptance of the RV park.

Please let me know if you have any questions or I can assist in anyway.

Thank you,

Tyler

**Tyler Franzheim | Project Manager**

Direct: (253) 549-3987  
Mailing Address: 3019 Duportail St #312 | Richland, WA 99352  
Physical Address: 42658 N Antinori RD | Benton City, WA 99320

*Shaw Vineyards  
Tyler Franzheim Construction*



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July 20, 2023

Shaw Vineyards  
C/O Tyler Franzheim  
3019 Duportail St #312  
Richland, WA 99352

Via Email: [Tyler@shawvineyards.com](mailto:Tyler@shawvineyards.com)

RE: Written Determination of Completeness  
File Number: CUP 2023-011

Dear Applicant,

This office is in receipt of your project permit application for a Conditional Use Permit to provide agri-tourism accommodations in the Red Mountain Agricultural Zoning District. We have determined that the required materials have been submitted and the application is complete. A file number has been assigned (CUP 2023-011) and the review process will now begin.

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

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

Sincerely,

Nikki Relyea- Permit Technician  
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)

July 20, 2023

Benton County Public Works Department  
Benton-Franklin Health District  
Benton County Fire District #4  
Benton County Building Division  
Benton County Fire Marshal  
Benton County Code Enforcement  
Benton REA  
City of West Richland  
Washington Department of Natural Resources

**RE:** Agency review of a Conditional Use Permit application  
**File #:** CUP 2023-011  
**Parcel #:** 1-3207-400-0000-00  
**Applicant:** Shaw Vineyards - Tyler Franzheim

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

The applicant is proposing to provide agri-tourism accommodations associated with an existing vineyard in the Red Mountain Agricultural Zoning District. The proposal involves the development and dedication of 5 recreation vehicle pads/sites with power, water, and sewer connection provided. The project address is 60195 N Demoss Rd Benton City, Richland, WA 99320.

PLEASE SUBMIT YOUR COMMENTS to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **August 3, 2023**. Please reference file number **CUP 2023-011** 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*

**Nikki Relyea**

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**From:** Cristina Woods  
**Sent:** Monday, July 24, 2023 1:47 PM  
**To:** Planning Department  
**Cc:** PUBLICWORKS; Brad O'Brien; Brian Bell; Gary Tiplady; Code Enforcement  
**Subject:** RE: CUP 2023-011 Shaw Vineyards Agency Review Request

Good afternoon

Public Works has no comments.  
They have a road approach permit 2019-236 for the proposed access to Demos Rd.

Thank you



**Cristina Woods, PE** • *Civil Engineer I*  
Benton County Public Works  
102206 Wisner Parkway , Kennewick WA, 99338  
[cristina.woods@co.benton.wa.us](mailto:cristina.woods@co.benton.wa.us)  
(509) 786-5611

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, July 20, 2023 9:39 AM  
**To:** PUBLICWORKS <PublicWorks@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Fire District #4 - Slita Bradley (sbradley@bcfd4.org) <sbradley@bcfd4.org>; 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>; Code Enforcement <code.enforcement@co.benton.wa.us>; Benton REA - Chris Cooke <ccooke@bentonrea.org>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Eric Mendenhall <emendenhall@westrichland.org>; WA Dept of Natural Resources - Ana Shafer <ana.shafer@dnr.wa.gov>  
**Subject:** CUP 2023-011 Shaw Vineyards Agency Review Request

Good morning,

Please see the attached materials for a Conditional Use Permit for 5 full service RV sites for parcel 132074000000000.

Please respond with any comments by **August 3, 2023**.

**Nikki Relyea**

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**From:** KOPF, TIM (DNR) <tim.kopf@dnr.wa.gov>  
**Sent:** Wednesday, August 2, 2023 8:47 AM  
**To:** Planning Department; CLOUD, RYAN (DNR); Cypert, Rhetta (DNR); Marsh, Donnita (DNR)  
**Subject:** [EXTERNAL] RE: CUP 2023-011 Shaw Vineyards Agency Review Request

**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.

Good morning Andrea,  
I have seen the updated application and the DNR approves the documents as submitted.

Sincerely,

**Tim Kopf**  
Tri-Cities Unit Land Manager  
Southeast Region  
Washington State Department of Natural Resources  
(509) 528-2894  
[tim.kopf@dnr.wa.gov](mailto:tim.kopf@dnr.wa.gov)  
[www.dnr.wa.gov](http://www.dnr.wa.gov)

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Tuesday, August 1, 2023 4:27 PM  
**To:** KOPF, TIM (DNR) <tim.kopf@dnr.wa.gov>; CLOUD, RYAN (DNR) <RYAN.CLOUD@dnr.wa.gov>; Cypert, Rhetta (DNR) <Rhetta.Cypert@dnr.wa.gov>; Marsh, Donnita (DNR) <Donnita.Marsh@dnr.wa.gov>  
**Subject:** CUP 2023-011 Shaw Vineyards Agency Review Request

External Email

Good afternoon,

Recently the Benton County Planning Division received an application for a Conditional Use Permit for Agritourism Accommodations at 60195 N DEMOSS RD in Benton City Washington.

The original agency review was sent to a different division within DNR so I wanted to ensure your division had an opportunity to review the application and make any comments or requests as needed.

Please see attached application materials and let me know if you have any questions, comments, or concerns preferable by **August 15**.

Regards,



**Andrea Watts**

*Senior Planner*

Benton County Community Development Department - Planning Division

[Andrea.watts@co.benton.wa.us](mailto:Andrea.watts@co.benton.wa.us)

(509) 786-5612

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**From:** Planning Department <[Planning.Department@co.benton.wa.us](mailto:Planning.Department@co.benton.wa.us)>

**Sent:** Thursday, July 20, 2023 9:39 AM

**To:** PUBLICWORKS <[PublicWorks@co.benton.wa.us](mailto:PublicWorks@co.benton.wa.us)>; Bentn Franklin Health District - Sean D (<[seand@bfhd.wa.gov](mailto:seand@bfhd.wa.gov)> <[seand@bfhd.wa.gov](mailto:seand@bfhd.wa.gov)>); Benton Franklin Health District - Rebecca Warrington <[rebeccaw@bfhd.wa.gov](mailto:rebeccaw@bfhd.wa.gov)>; Fire District #4 - Slita Bradley (<[sbradley@bcfd4.org](mailto:sbradley@bcfd4.org)> <[sbradley@bcfd4.org](mailto:sbradley@bcfd4.org)>); Brad O'Brien <[Brad.O'Brien@co.benton.wa.us](mailto:Brad.O'Brien@co.benton.wa.us)>; Brian Bell <[Brian.Bell@co.benton.wa.us](mailto:Brian.Bell@co.benton.wa.us)>; Gary Tiplady <[Gary.Tiplady@co.benton.wa.us](mailto:Gary.Tiplady@co.benton.wa.us)>; Code Enforcement <[code.enforcement@co.benton.wa.us](mailto:code.enforcement@co.benton.wa.us)>; Benton REA - Chris Cooke <[ccooke@bentonrea.org](mailto:ccooke@bentonrea.org)>; Benton REA - Derek Miller <[dmiller@bentonrea.org](mailto:dmiller@bentonrea.org)>; Eric Mendenhall <[emendenhall@westrichland.org](mailto:emendenhall@westrichland.org)>; WA Dept of Natural Resources - Ana Shafer <[ana.shafer@dnr.wa.gov](mailto:ana.shafer@dnr.wa.gov)>

**Subject:** CUP 2023-011 Shaw Vineyards Agency Review Request

Good morning,

Please see the attached materials for a Conditional Use Permit for 5 full service RV sites for parcel 132074000000000.

Please respond with any comments by **August 3, 2023**.

**Nikki Relyea**

*Permit Technician*

Benton County Community Development Department - Planning Division

[Nikki.relyea@co.benton.wa.us](mailto:Nikki.relyea@co.benton.wa.us)

(509) 786-5612



Community Development  
Building Division  
102206 E. Wiser Parkway  
Kennewick, WA 99338



Fire Marshal  
Gary Tiplady  
(509) 735-3500  
Gary.Tiplady@co.benton.wa.us

**9/7/2023**

**Fire Marshal Comments:**

**Andrea:**

**Upon review of Shaw Vineyards proposal to install 5 RV sites the applicant will need to comply with BCC 3.18.045. I have attached the specs for fire apparatus turn around and private roads.**

**If you have questions on these comments, please, feel free to contact the County Fire Marshal at (509) 735-3500. Ext 2411.**

**Re: CUP 2023-011**

**Gary Tiplady  
Benton County Fire Marshal  
Building Inspector II  
509-735-3500  
[Gary.Tiplady@co.benton.wa.us](mailto:Gary.Tiplady@co.benton.wa.us)**

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



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## 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 September 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 & testimony options, directions to the meeting room and to review documentation for the application, please visit <https://tinyurl.com/BCpublicnotice>.

**VARIANCE PERMIT – VAR 2023-004** The applicants Mark and Della Schaefer are proposing to install flood venting rather than elevating a new 1,200 sq ft shop at 50303 N 94 PR NE, Benton City, WA 99320. Parcel #1-0797-101-2736-002.

**CONDITIONAL USE PERMIT – CUP-2023-011** The applicant Shaw Vineyards is proposing to provide agri-tourism accommodations associated with an existing vineyard in the Red Mountain Agricultural Zoning District. They propose the development of 5 recreational vehicle pads/sites with power and water to be constructed at 60195 N Demoss Rd, Benton City, WA 99320. Parcel #1-3207-400-0000-000.

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) or dropped off at the Planning Division offices at the Public Services Building 102206 E. Wisner Parkway, Kennewick or mailed to: Benton County Community Development Department-Planning Division, ATTN: Hearings Examiner P.O. Box 910 Prosser, WA 99350. Any information submitted to Benton County is subject to the public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other laws that may require the release of the documents to the public.

If you wish to provide testimony during the hearing (in person or virtually), we ask that you inform the Planning Division before the meeting. You can do that by filling out a Request to Testify form at <https://tinyurl.com/testifyform> or by contacting our office to

be added to the list. **You must submit a request for each hearing in which you wish to participate.** We ask that participants who will be attending virtually please limit background noise and/or mute their line to prevent interruptions of the meeting.

If you have questions regarding any of the actions before the Hearings Examiner or the hearing process, please contact the Planning Division at (509) 786-5612, [Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us), P.O. Box 910 Prosser, WA 99350, 102206 E. Wisner Parkway, Kennewick, WA 99338 or 620 Market Street, First Floor, Prosser, WA 99350.

Dated this 25<sup>th</sup> day of August 2023.

PUBLICATION DATE: August 30, 2023

SUSAN E. DRUMMOND  
Benton County Hearings Examiner

MICHELLE L. COOKE, Planning Manager  
Community Development Department