

## EXHIBIT LIST FOR CUP 2023-015 Lenard Beierle

<b>Hearings Examiner Staff Memo Exhibit List -December 15, 2023 hearing</b>		
HEM 1.1	Staff Memo	November 30, 2023
HEM 1.2	Vicinity map	October 16, 2023
HEM 1.3	Application	October 11, 2023
HEM 1.4	Site Plan	October 11, 2023
HEM 1.5	Written Determination of Completeness	October 16, 2023
HEM 1.6	Agency review request	October 16, 2023
HEM 1.7	Comment from Benton County Building Division	October 17, 2023
HEM 1.8	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		

## 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  
[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
102206 E Wisner Parkway, Kennewick, WA 99338

### STAFF REPORT TO THE BENTON COUNTY HEARINGS EXAMINER Lenard Beierle Airstrip

**FILE NO:** CUP 2023-015  
**MEMO DATE:** November 28, 2023  
**HEARING DATE:** December 15, 2023  
**APPLICANT:** Lenard Beierle, 101 Van Ave, Toppenish, WA 99337  
**OWNER:** Washington State DNR, 713 E Bowers Rd, Ellensburg, WA 98926  
**LOCATION:** General Location: The property is located approximately 0.73 miles north of the intersection of Horrigan Rd and SW Davis Rd in the Prosser area of unincorporated Benton County, Washington.  
Legal: Section 26, Township 7 North, Range 25 E W.M.: The northwest quarter and the south one-half.  
Parcel Number: 1-2675-200-0000-000

**PROPERTY SIZE:** Approximately 480 Acres  
**AREA TO BE USED:** Approximately 2.5 acres  
**LAND USE:** Agricultural  
**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 eighteen (18) Findings of Fact and three (3) Conditions of Approval as outlined in this staff report.

### APPLICATION DESCRIPTION:

The applicant is proposing to construct a 2,800x40-foot compacted dirt airstrip with a 120x100-foot loading area for a commercial crop-dusting operation in the Growth Management Agricultural District on land leased from DNR.

The property is approximately 480 acres in size and is zoned Growth Management Act Agricultural District (GMAAD) and is owned by the Washington State DNR. The site is currently vacant of any structures and is being used for irrigated agriculture. (HEM 1.4)

The application for CUP 2023-015 (HEM 1.3) was submitted to the Benton County Planning Division on October 11, 2023.

The application was declared complete for processing on October 16, 2023. (HEM 1.5)

The application documents were distributed to reviewing agencies on October 16, 2023. (HEM 1.6)

The Benton County Hearings Examiner Notice of Open Record Hearing for application CUP 2023-015 was published on November 29, 2023 in the Prosser Record Bulletin. (HEM 1.8)

The Notice was mailed to property owners of record within 300 feet of the outer boundaries of the parcel on November 22, 2023.

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*, Chapter 11.03 Definitions.  
11.03.010 DEFINITIONS. (17) "Airstrip Commercial Crop-Dusting" means a private runway with service and maintenance facilities which serves the commercial crop-duster.
  
5. *Benton County Code*, Chapter 11.50.040 Conditional Use.  
11.50.040 (a) CONDITIONAL USE PERMIT- GENERAL STANDARDS. The conditional use permit application process allows the Hearings Examiner to review the location and design of certain proposed uses, the configuration of improvements, and the potential impacts on the surrounding area. The application process also allows the Hearings Examiner to ensure that development in each zoning district protects the integrity of that district. The notice, hearing, decision, and enforcement procedures are as set forth herein and in BCC 11.50.050.

Certain uses are classified as conditional uses because of their unusual nature, infrequent

occurrence, special requirements, or potentially significant impacts to the environment, public infrastructure, or adjacent properties, and/or possible safety hazards and other similar reasons.

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

11.50.040 (d) CONDITIONAL USE PERMIT- PERMIT GRANTED OR DENIED.

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

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

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

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

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

### **PUBLIC NOTICE:**

The Public Notice Requirements for this application as per BCC 11.50.050(b) are as follows:

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

### **AGENCY COMMENTS:**

1. The application documents were distributed to the following reviewing agencies on October 16, 2023:
  - a. Benton County Public Works Department
  - b. Benton-Franklin Health District
  - c. Benton County Fire District #6
  - d. Benton County Building Division
  - e. Benton County Fire Marshal
  - f. Benton County Code Enforcement
  - g. Benton REA
  - h. FAA
  - i. US Navy
  - j. Washington State DNR
  - k. WSDOT- Aviation Land Use
2. The following comment was received from the **WSDOT- Aviation Division** on October 18, 2023:
  - a. WSDOT Aviation Division does not have any concerns about the local compatibility of this project. The sponsor of the project will need to file a FAA Form 7480 Notice for Construction, Alteration and Deactivation of Airports.
  - b. If you have any questions please contact David Ison, PhD, Aviation Planner at [isond@wsdot.wa.gov](mailto:isond@wsdot.wa.gov) or by phone at (360)890-5258.

3. The following are general comments and discussion points from the **Benton County Planning Division**:
  - a. The lot is zoned Growth Management Act Agricultural District (GMAAD).
  - b. The lot is designated Agricultural by the Benton County Comprehensive Plan.
  - c. Surrounding land uses: The properties adjoining the subject property predominantly have agricultural uses.
  - d. SEPA: A SEPA review was completed for this project under EA 2023-018 and an MDNS was issued.
  - e. Upon completion of a review of BCC Title 15 and the Benton County Critical Area Maps, there are no designated critical areas identified on the parcel. 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 Findings of Fact and Conditions of Approval are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for CUP 2023-015 will need to be considered by the Hearings Examiner and may be added to the suggested Findings of Fact and Conditions of Approval as set forth below. The Hearings Examiner may decide to adopt these as their own or amend/add to these Findings of Fact and Conditions of Approval after holding the open public hearing.

Based on the information received to date, Planning staff recommends approval of the applicant's request with the following suggested findings of fact and conditions of approval:

#### **SUGGESTED FINDINGS OF FACT**

1. The applicant is proposing to construct a 2,800x40-foot compacted dirt airstrip with a 120x100-foot loading area for a commercial crop-dusting operation in the Growth Management Agricultural District on land leased from DNR
2. The applicant is Lenard Beierle, 101 Van Ave, Toppenish, WA 99337.
3. The property owner is the Washington State DNR, 713 E Bowers Rd, Ellensburg, WA 98926
4. The property is located approximately 0.73 miles north of the intersection of Horrigan Rd and SW Davis Rd (parcel: 126752000000000).
5. The property is approximately 480 acres in size and is zoned Growth Management Act Agricultural District (GMAAD).
6. The proposed airstrip would be accessory to existing agricultural uses taking place on the property.
7. The site is currently vacant of structures but is being used for irrigated agriculture.

8. Public notice and application requirements have been met per BCC 11.50 Variance and Conditional Use.
9. The proposed airstrip is allowable by Conditional Use Permit if approved by the Benton County Hearings Examiner.
10. The proposed airstrip complies with Benton County Building Division standards and requirements.
11. The application for CUP 2023-015 is consistent with the Growth Management Act.
12. The application for CUP 2023-015 is consistent with the goals and policies of the Benton County Comprehensive Plan.
13. The application for CUP 2023-015 is consistent with the requirements of the Benton County Zoning Code.
14. The proposed airstrip is compatible with other uses in the surrounding area and is no more incompatible than any other outright permitted uses in the applicable zoning district.
15. The proposed airstrip 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.
16. The pedestrian and vehicular traffic caused by the proposed airstrip will not 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.
17. The proposed airstrip will not adversely affect public services to the surrounding area.
18. The proposed airstrip will not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

## **SUGGESTED CONDITIONS OF APPROVAL**

1. The activities on the site shall comply with the submitted site plan and materials submitted for this application including but limited to:
  - a. Benton County Conditional Use Permit application
  - b. SEPA Checklist
    - i. Applicant must meet the Washington State Department of Archeology and Historic Preservation requirements and prepare and provide an approved inadvertent discovery plan (IDP).
    - ii. The applicant shall meet and comply with the Department of Ecology requirements including obtaining a NPDES Construction Stormwater General Permit if required for project.
    - iii. The applicant must obtain a lease from the Department of Natural Resources and comply with all lease requirements.
  - c. Proposed Site Plan

2. The sponsor of the project will need to file a FAA Form 7480 Notice for Construction, Alteration and Deactivation of Airports with the WSDOT Aviation Division.
3. All required development permits shall be obtained prior to occupancy of the Accessory Dwelling Unit. This includes approval of permits required by the following, as applicable:
  - a. Benton County Building Division; for building permits.
  - b. Benton County Fire Marshal; for fire and safety regulations.
  - c. Benton Franklin Health District
  - d. Benton County Publicworks Division; for road approach permit.

**Time to Complete Conditions of Approval:**

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

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

**Transferability**

This Conditional Use Permit is transferrable by the holder. If a new property owner wishes to continue to have the Accessory Dwelling Unit, 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.

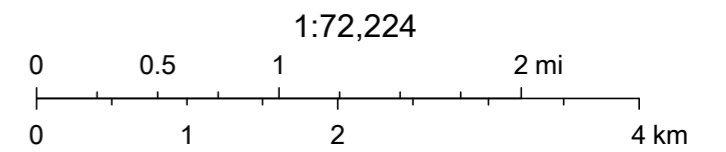
**Violations of Conditions of Approval:**

The Applicant shall continue to meet all conditions of this Conditional Use Permit while CUP 2023-015 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.



10/16/2023, 3:27:47 PM



Geophex Surveys Ltd., Earthstar Geographics

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



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

RECEIVED

OCT 11 2023

Benton Co. Planning Dept.

## CONDITIONAL USE PERMIT APPLICATION

File No. CWP 2023-015

### APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

Name of Applicant/Agent: Lenard Beierle

Mailing Address (with City, State & zip): 101 Van Ave

Phone #1: 509-853-8119 Phone #2: \_\_\_\_\_

Email Address(es): againflying@gmail.com

Signature: [Signature] Date: 10-10-23

Name of Property Owner(s) (if different): Washington State DNR

Mailing Address (with City, State & zip): 713 E Bowers Rd Ellensburg WA 98926

Phone #1: (509) 856 6167 Phone #2: 809 60 (509) 306 6905

Email Address(es): Chad.Unland@DNR.WA.GOV

Signature: [Signature] Date: 10/10/2023

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: \_\_\_\_\_

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

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

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

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

PARCEL INFORMATION

1. Subject property address (including city): Undetermined

2. Parcel number(s): 126752000000000 (Property ID# 54242)

3. Total Acreage: 480 total

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

5. 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: \_\_\_\_\_  
 Private System Provider name and address: \_\_\_\_\_

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

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

6. Current use(s) on property: Dryland Ag Irrigated

7. What are you proposing to do that requires a Conditional Use Permit? Build private Airstrip

**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.

8. Additional comments or information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

<b>(FOR STAFF USE ONLY)</b>		Access: Y	N	Application Complete: Y	N
Critical Areas: N	Y: _____	Zoning: _____			
Reviewed by: _____	Date: _____				

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OCT 11 2023

Benton Co. Planning Dept.

**Legend**

-  DNR
-  RUNWAY
-  RUNWAY

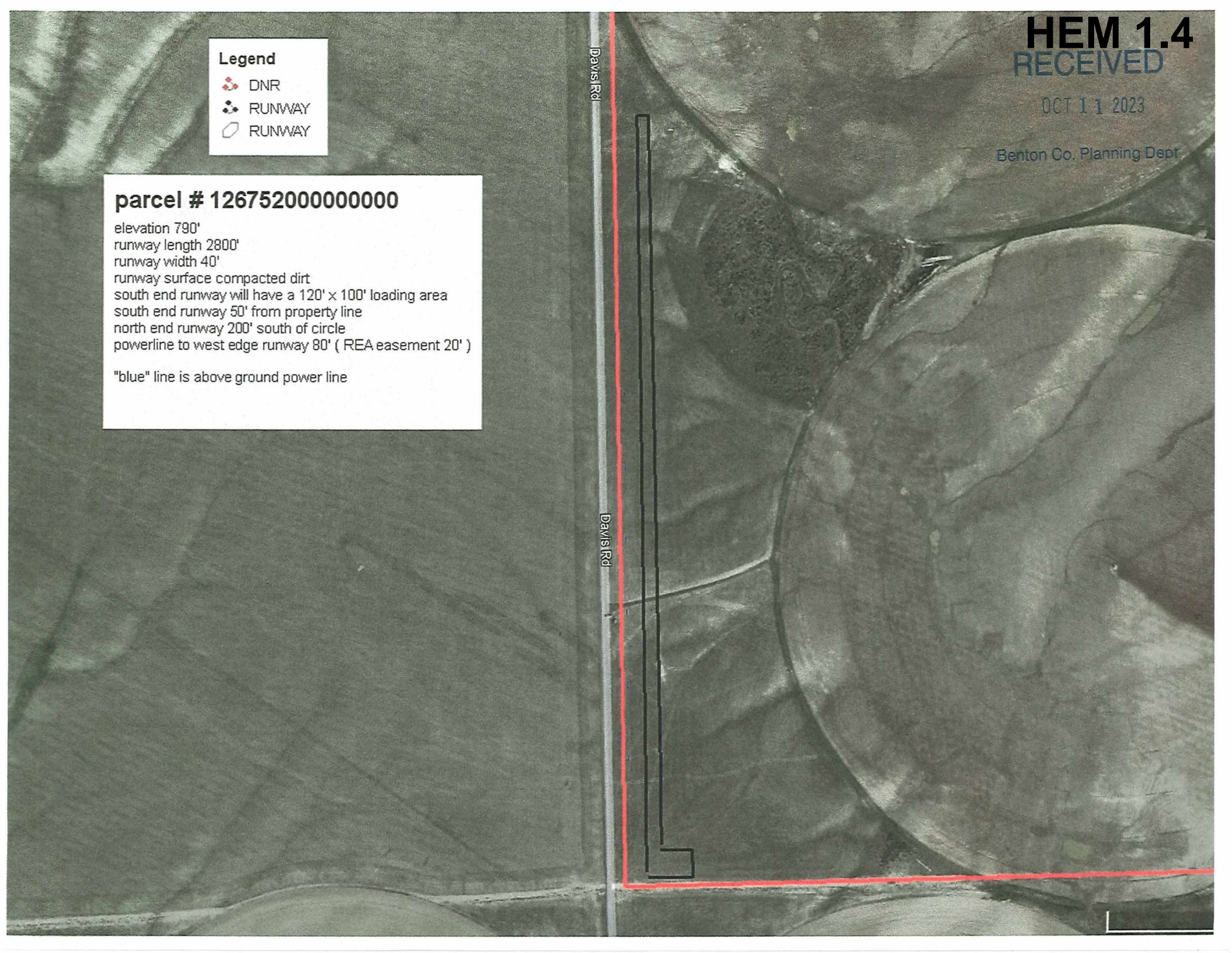
**parcel # 126752000000000**

elevation 790'  
runway length 2800'  
runway width 40'  
runway surface compacted dirt  
south end runway will have a 120' x 100' loading area  
south end runway 50' from property line  
north end runway 200' south of circle  
powerline to west edge runway 80' ( REA easement 20' )

"blue" line is above ground power line

Davis Rd

Davis Rd



## Community Development Department

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102206 E Wiser Parkway, Kennewick, WA 99338

October 16, 2023

Lenord Beierle  
101 Van Avenue  
Toppenish, WA 98948

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

RE: Written Determination of Completeness  
File Number(s): CUP 2023-015; EA 2023-018

Dear Mr. Beierle,

This office is in receipt of your project permit application(s) for a Conditional Use Permit and Environmental Checklist for the construction of an air strip for a commercial crop dusting operation in the Growth Management Agriculture District in unincorporated Benton County, WA. The Planning Division has determined that the required materials have been submitted and the applications are complete. File Numbers have been assigned (CUP 2023-015; EA 2023-018) and the review process will now begin.

During the review and comment period, more clarification or information may be needed from you. If additional information is required, it will need to be submitted to our office before we can make a final determination

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

Sincerely,

---

Andrea Watts  
Senior Planner  
Benton County Community Development Department  
Planning Division

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October 16, 2023

Benton County Public Works Department  
Benton-Franklin Health District  
Benton County Fire District #5  
Benton County Building Division  
Benton County Fire Marshal  
Benton REA  
FAA  
US Navy  
Washington State DNR  
WSDOT- Aviation Land Use

**RE:** Agency review of a Conditional Use Permit application

**File #:** CUP 2023-015

**Parcel #:** 1-2675-200-0000-000

**Applicant:** Lenard Beierle

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

The applicant is proposing to construct an airstrip for a commercial crop dusting operation. The airstrip will include a 2,800 foot by 40 foot compacted dirt runway with a 120 foot by 100 foot loading area within the Growth Management Agriculture District. The project is located unincorporated Benton County.

Please submit your comments to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by **October 30, 2023**. Please reference file number **CUP 2023-015** 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:** Brad O'Brien  
**Sent:** Tuesday, October 17, 2023 6:27 AM  
**To:** Planning Department  
**Subject:** RE: Agency Review CUP 2023-015-Leonard Beirele

Building- Will need to obtain grading permit if applicable.



**Brad O'Brien**  
Building Manager/Official  
Benton County  
509-735-3500 Ext: 2410  
 

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Monday, October 16, 2023 3:08 PM  
**To:** Cristina Woods <Cristina.Woods@co.benton.wa.us>; Benton Franklin Health District - Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; ch15156@yahoo.com; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Benton REA - Derek Miller <dmiller@bentonrea.org>; Benton REA - Nick Pryor <NPryor@bentonrea.org>; aviationlanduse@wsdot.wa.gov; southeast.region@dnr.wa.gov; WA Dept of Natural Resources- LANDS Tim Kopf <tim.kopf@dnr.wa.gov>; OEGroup@faa.gov; CNRNWPAO@us.navy.mil  
**Subject:** Agency Review CUP 2023-015-Leonard Beirele

Good afternoon,

Please see the attached application materials regarding a Conditional Use Permit for a an airstrip for a commercial crop dusting operation at 1-2675-200-0000-000.

If you have any questions, comments or concerns please email [Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us) by **October 30, 2023**.

This project will also have a separate agency review period as it will undergo a Sepa Environmental Checklist.



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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 **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