

**EXHIBIT LIST FOR OA 2022-001/EA 2022-004
ORDINANCE AMENDMENT TO BCC 11.19-070**

DATED

Planning Commission Memo Exhibit List - April 12, 2022			
PCM 1 Includes:	PCM 1.1	Staff Report	March 28, 2022
	PCM 1.2	Vicinity Map of area affected by the Amendment	March 8, 2022
	PCM 1.3	Draft Ordinance	
	PCM 1.4	Ordinance Amendment Application	February 17, 2022
	PCM 1.5	Notice of Public Hearing	March 18, 2022
	SEPA INFORMATION		
	PCM 1.6	Environmental Checklist EA 2022-004	February 17, 2022
	PCM 1.7	Determination of Non Significance	March 8, 2022
	PCM 1.8	Notice of Intent to Adopt Ordinance	March 8, 2022
	COMMENTS		
PCM 1.9	Benton County Fire Marshal	March 14, 2022	
PCM 1.10	Kennewick Irrigation District	March 16, 2022	
Planning Commission Hearing Exhibit List - November 30, 2021			
PCH 1 Includes:	PCH 1.1		
	PCH 1.2		
	PCH 1.3		
Board of County Commissioners Memo Exhibit List - DATE			
BCCM Includes:			

The Exhibit Numbers are found in the Top Right Hand Corner of each document.

PCM = Planning Commission Memo Exhibits

PCM = Planning Commission Memo Exhibits

BCCM = County Commissioner Memo Exhibits



PCM 1.1

STAFF REPORT TO THE BENTON COUNTY PLANNING COMMISSION

FILE NO: OA 2022-001 (Ordinance Amendment to BCC 11.19.070 Red Mountain Agricultural Zoning- Adding a Conditional Use Permit option for agricultural stands located on at least 2 acres in size but less than 20 acres)

MEMO DATE: March 28, 2022

HEARING DATE: April 12, 2022

APPLICANT: Stacey Gingras, 28206 N Sunset Road, Benton City, WA 99320

OWNER: N/A

LOCATION: Unincorporated Benton County- Red Mountain Zoning District

PROPERTY SIZE: A parcel at least 2 acres in size but less than 20 acres.

AREA TO BE USED: N/A

LAND USE: Agricultural

COMP. PLAN: Agricultural

ZONING: Red Mountain Agricultural Zoning District

SUGGESTED STAFF RECOMMENDATION: Positive recommendation subject to five findings of fact.

APPLICATION DESCRIPTION

Background:

The Benton County Zoning Ordinance currently allows an agricultural stand as a permitted use in Red Mountain Agricultural District (BCC 11.19.040(d)), provided the stand is located on a parcel of land of least 20 acres or more in size. An agricultural stand is defined in BCC 11.030.010(10) as a structure up to 1000 square feet in area used for the retail sale of agriculture products, excluding livestock, grown on the premises.

Application:

The applicant is requesting to amend the zoning text in the Red Mountain Agricultural District to allow agricultural stands as a *conditional use permit option* provided the stand would be located on a parcel at least two (2) acres in size but less than twenty (20) acres.

The proposal adds the following to 11.19.070- USES REQUIRING PERMITS--CONDITIONAL USE PERMIT REQUIRED:

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

The application has been reviewed by Planning Staff and the Benton County Prosecuting Attorney's office.

PUBLIC NOTICE

1. A Notice of Public Hearing was published in the Prosser Record Bulletin on March 23, 2022 and was put on the County's website on March 18, 2021.

APPLICABLE STANDARDS/ORDINANCES

1. Comprehensive Plan: Benton County Comprehensive Plan.
2. Zoning Code: Benton County Code, Title 11, Zoning.

AGENCY COMMENTS

None.

RECOMMENDATION

Benton County Planning Staff will assist the Planning Commission with the determination of findings of fact for - File OA 2022-001.

The Benton County Planning Division recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for application OA 2022-001 with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

1. Planning Case File Application OA 2022-001 is found to be in conformance and consistent with the intent of the Benton County Comprehensive Plan. The proposal is consistent with the following:
 - (a) Section 3.4.2.3 Red Mountain Agricultural District; and
 - (b) Section 3.3.2.5 Agricultural Land Use Designation.
2. Planning Case File Application OA 2022-001 is found to be in conformance and consistent with the intent of the Benton County Zoning Code. The proposal is consistent with the following:

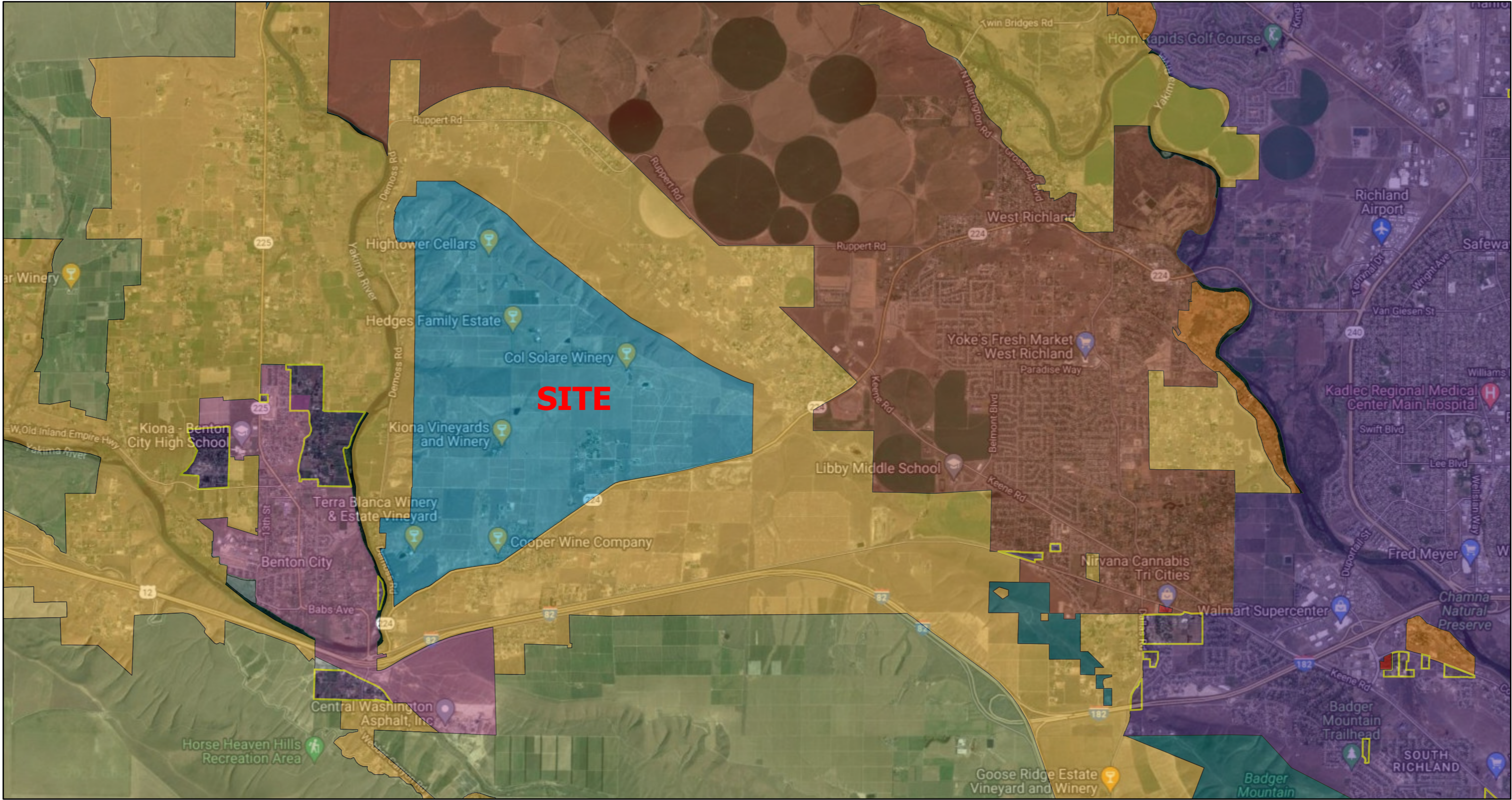
- (a) BCC 11.53 Amendments and Appeals, which includes the process to initiate and apply for a text amendment to the zoning regulations and,
 - (b) BCC 11.19.010 Purpose of the Red Mountain Agricultural District; and
3. Planning Case File Application OA 2022-001 was submitted by email to the State of Washington's Department of Commerce on March 8, 2022, for review in compliance with WAC 365-196-630 (6).
 4. The legal notification for Planning Casefile Application OA 2022-001 was given on March 23, 2022, pursuant to RCW 36.70.590.
 5. Agricultural stands involve the retail sales of agricultural products and is a typical allowed or conditional use that is normally considered to be compatible with other agricultural uses in an agricultural zoning district.

SUGGESTED MOTION-

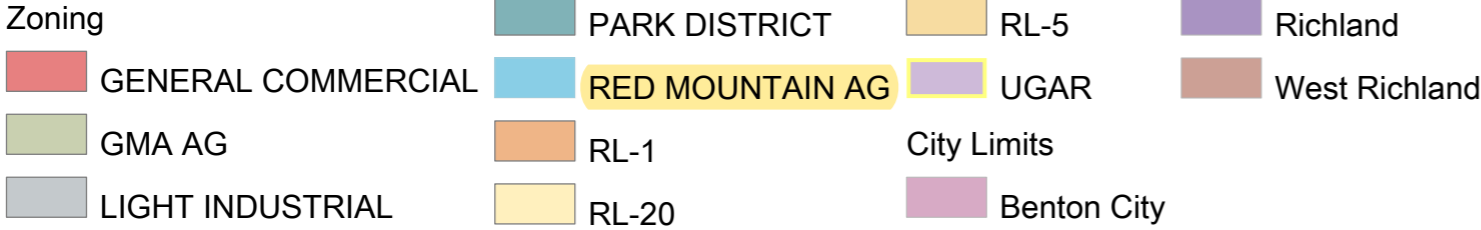
I move that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the Commission's recommendation for approval of the proposed zoning amendment, modifying Ordinance 611, Section 76 and BCC 11.19.070 as noted in Casefile OA 2022-001, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

EA 2022-004/OA 2022-001 Vicinity Map

PCM 1.2



3/8/2022, 8:48:58 AM



ORDINANCE NO. _____

AN ORDINANCE relating to the red mountain agricultural district; amending the section relating to uses requiring permits--conditional use permits required; and amending Ordinance 611, Section 76 and BCC 11.19.070.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

SECTION 1. Ordinance 611, Section 76 and BCC 11.19.070 are hereby amended to read as follows:

USES REQUIRING PERMITS--CONDITIONAL USE PERMIT REQUIRED. The following uses may be permitted upon a single parcel of record in the Red Mountain Agricultural District if a conditional use permit is issued by the Hearing Examiner after notice and public hearing as provided by BCC 11.50.040:

(a) Facilities for treatment of industrial solid wastes with associated spray fields related to the on-site processing of agricultural products.

(b) Overnight lodging within a structure primarily used for processing of beer, wine, or spirits that meets the following criteria:

- (1) The number of guest rooms may not exceed two (2); and,
- (2) The area used for the guest rooms and associated with overnight lodging shall not exceed eight hundred square feet (800); and,
- (3) The overnight lodging guest rooms shall meet Benton-Franklin Health District requirements for septic systems and domestic water usage shall be demonstrated; and,
- (4) The overnight lodging guest rooms shall comply with all the applicable building code requirements.

(c) Events Facility on the same or adjoining parcel as a Winery/Brewery/Distillery, but not related to the operational and marketing of the business, such as weddings, receptions, and meetings/retreats shall be limited to not more than two hundred (200) guest or less, meet the following criteria as well as any other conditions required by the Hearings Examiner:

- (1) The events facility 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 events facility must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;
- (3) The events facility, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the existing Winery/Brewery/Distillery structures and shall not otherwise convert more than one (1) acre of agricultural land to the use;
- (4) The parcel and events facility 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 events facility being pursued. The requirements of or the permission granted by the Hearings

Examiner shall not be construed as an exemption from such regulations;

(5) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(6) Any waste created as a result of the event facility must be disposed of off-site in compliance with all local, state, and/or federal regulations.

(d) 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 amended; or

(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 non-agricultural 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) 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;

(9) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(10) 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.

(e) Commercial sand and gravel pits, and stone quarries and other mineral extraction.

(f) Agricultural research facility which conducts basic, applied, and/or developmental research of regional, national, or international concerns in the field of agriculture.

(g) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(h) Agri-tourism accommodations.

(i) Winery/Brewery/Distillery facility, including sampling, tasting, and sales of the product, may occur on an adjacent parcel from the site where the fruit or other products are processed, if both parcels are under the same ownership.

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

SECTION 2. Severability. If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 3. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this _____ day of _____.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Approved as to Form:



Deputy Prosecuting Attorney

Constituting the Board of
County Commissioners of
Benton County, Washington

Attest: _____
Clerk of the Board

Planning Department
P.O. Box 910
Prosser, WA 99350



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

RECEIVED

FEB 17 2022

Benton Co. Planning Dept.

ORDINANCE AMENDMENT APPLICATION

OA 2022-001

Applicant Information

Please check the box indicating primary contact person for this application

Applicant/Agent: Stacey Gingras

Mailing Address: 38206 N Sunset Rd

City: Benton City State: WA ZIP: 99320

Phone: 509-942-8926 Work: _____

Email Address: buggirlsgarden@gmail.com

Signature: Stacey Gingras Date: 2/17/2022

Requested Amendment:

Which section of the Benton County Code is requested amendment for?

BCC 11.19.070 Use requiring permits-conditional use permit required.

What is the requested change/wording being proposed?

The following addition to BCC 11.19.070 Use requiring permits-conditional use permit required:

- (j) Agricultural stands, as defined under BCC 11.03.010(10), on parcel of land at least two (2) acres in size.

What are the unique characteristics/circumstances that necessitate the proposed changes?

The Red Mountain Agricultural District supports and carries out the directive of the Red Mountain AVA Master Site Plan, including the promotion of agritourism through agricultural uses. The inclusion of having an option of allowing agricultural stands on smaller parcel sizes through a CUP process would further promote agriculture and agritourism in the region.

List any hardships that may result in the event the ordinance amendment is not granted:

Due to many existing parcels which do not meet the minimum 20 acre lot size, if this amendment is not granted it would limit a number of parcels for further promoting agriculture and agritourism in the region and would be an economic hardship on property owners.

List the manner in which the proposed ordinance amendment conforms to the existing patterns in adjacent zones:

Agricultural stands are an allowable use in the RL-5 (BCC 1.11.030) and the GMA Agricultural Districts (BCC 11.17.040) on parcels of any size. Agricultural stands are also an allowable use in the Red Mountain Agricultural District on parcels of 20 acres or greater. This amendment would be consistent with adjacent zoning districts.

Explain how the proposed amendment would be in conformance with the intent of the Comprehensive Plan.

The proposed amendment would expand the promotion and protection of agriculture on smaller parcel sizes, the promotion and protection of agriculture is a mandate of the Growth Management Act and the Benton County Comprehensive Plan.

Identify the impacts on the environment and public safety:

None, any environmental or public safety issues (if any) would be addressed during the CUP or building permit processes.

If this is an amendment to BCC Title 11, explain how the change would represent a better use of the land

This would enable parcels 2 acres or greater to better utilize their land for the promotion of agricultural activities.

List any beneficial or adverse effects the proposed ordinance amendment would have on the adjacent or surrounding zones:

Beneficial impacts would include the promotion of agritourism for surrounding zoning districts and does not have any known adverse impacts.

PLEASE NOTE THAT A NON-REFUNDABLE APPLICATION FEE OF \$700 MUST ACCOMPANY THE APPLICATION

ALSO NOTE THAT AN ENVIRONMENTAL CHECKLIST MUST BE SUBMITTED ALONG WITH THE ORDINANCE APPLICATION ALONG WITH THE NON-REFUNDABLE FEE OF \$300.00

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.



RED MOUNTAIN
AVA ALLIANCE

Red Mountain AVA Alliance
P.O. Box 850
Benton City, WA 99850

August 19, 2021

Benton County Community Development Department
Planning Division
Benton County Public Services Office
102206 E Wiser Parkway
Kennewick, WA 99338

Re: Support of Red Mountain Agricultural District Ordinance Amendment Application

To Whom It May Concern,

On behalf of the Red Mountain AVA Alliance, I am writing to offer our support of Craig & Stacey Huff's Ordinance Amendment Application to allow agricultural stands on parcels of at least two acres with a conditional use permit. Specifically, the Alliance Board of Directors voted its approval of the amendment of the RMAD (BCC 11.19.070 conditional uses) to allow agricultural stands, as defined under BCC 11.03.010 (10), on a parcel of at least two (2) acres or more with a conditional use permit.

The addition of ancillary businesses such as the farm stand proposed by the Huff's will be a benefit to our region.

The Red Mountain AVA Alliance is happy to offer our full support along with the Huffs Ordinance Amendment Application.

Sincerely,

Alicia Brown
Executive Director
Red Mountain AVA Alliance



PCM 1.5

NOTICE OF OPEN RECORD HEARING

NOTICE IS GIVEN that the following application will be considered by the Benton County Planning Commission at a in person and virtual public hearing on Tuesday, April 12, 2022, at **6 p.m** in the Planning Hearing Room, First Floor, Courthouse Prosser WA, 620 Market Street, Prosser, WA.

In an effort to continue to provide public access to the Planning Commission meetings, Benton County will be **providing both in person, telephonic and video access for the public** to view and provide testimony at the Planning Commission meetings. **A map to the meeting room is posted on our website at the link below.** If you choose to join the meeting telephonically, we ask that you please limit background noise or mute your line to prevent any unnecessary interruption to the meeting. To find information on virtual attendance options, including streaming video, WebEx video conferencing and telephone, please visit www.tinyurl.com/BCPublicNotice.

OA 2022-001 an ordinance relating to the Red Mountain Agricultural District; amending the section relating to uses requiring permits-conditional use permits required; and amending Ordinance 611, Section 76, and BCC 11.19.070 to allow agricultural stands as defined under BCC 11.03.010(10) on a parcel of at least two acres in size but less than twenty acres.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendment has been reviewed under the requirements of the State Environmental Policy Act and a Determination of Non-Significance (DNS) was issued on March 8, 2022, and accordingly an Environmental Impact Statement was not required. Any comments regarding this determination and the environmental impacts of the proposal can be made at the Planning Commission Hearing as using the method noted below or in writing to the Benton County Planning Division by 5 p.m. on Monday April 11, 2022.

At this hearing, the Planning Commission may recommend approval, conditional approval, or disapproval of the applications to the Benton County Board of Commissioners. All parties concerned may present any support or objections for the application per the phone in instructions above. Information concerning the applications can be obtained at the Benton County Planning Division, by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Dated at Prosser, Washington on this 18th day of March 2022.

Martin Sheeran, Chairman
BENTON COUNTY PLANNING COMMISSION

Michelle Cooke, Planning Manager
BENTON COUNTY PLANNING DIVISION

PUBLISH ON: March 23, 2022



PCM 1.7

DETERMINATION OF NON-SIGNIFICANCE

Proponent: Stacy Gingras/Craig Huff
38206 N. Sunset Road
Benton City WA 99320

File No. EA 2022-004

Project Description: Benton County is amending its development regulations for the Red Mountain Agricultural District (RMAD) relating to uses requiring permits-conditional use permits to add language to BCC 11.109.070 allowing agricultural stands as defined under BCC 11.03.010(10) on a parcel of at least two acres in size but less than twenty acres.

Project Location: Red Mountain Agricultural District

Jurisdiction: Benton County, Washington

Lead Agency: Benton County Community Development Dept. - 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). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. The environment threshold determination is based on an analysis of information contained in the following documents or the applicable regulations and restrictions of various agencies:

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 3 Building Code, Fire Code, and Road Standards;
5. Regulations of the Washington State Department of Fish and Wildlife, Department of Transportation, Department of Ecology, Department of Natural Resources and Department of Archaeology and Historic Preservation; and

This DNS is issued under WAC197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **March 22, 2022**.

SEPA Responsible Official: Michelle Cooke, Planning Manager
Position/Title: Benton County Community Development Dept.
Mailing Address: P.O. Box 910, Prosser WA 99350

Date: **March 8, 2022**

Signature



Greg Wendt, Director

DISTRIBUTION:

Applicant
News Media (Encl. map or plot plan)
Benton County Building Office
Dept. of Natural Resources-Olympia
Dept. of Natural Resources -Ellensburg
Benton Clean Air Authority
Bureau of Reclamation
Benton County Public Works
City of Benton City
City of West Richland
Benton-Franklin Dist. Health Dept.
Kennewick Irrigation District
Department of Transportation
Port of Benton
Port of Kennewick
Washington State Department of Health
Department of Ecology
Corps of Engineers
Yakama Indian Nation
Fire District 2
Fire District 4
Benton County Fire Marshal
Tom Price, Environmental Review Inc.
Dept. of Agriculture
Conf. Tribes of the Umatilla Indian Reservation
Bureau of Land Management
Department of Fish and Wildlife
Office of Arch. & Historic Preservation
Futurewise
Dept. of Commerce

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

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FEB 17 2022

Benton Co. Planning Dept.

SEPA ENVIRONMENTAL CHECKLIST

File No. EA 2022-004

A. BACKGROUND

1. Name of proposed project, if applicable: Ordinance Amendment- Red Mountain Zoning District
2. Name of applicant: Stacey Gingras/Craig Huff
3. Address and phone number of applicant and contact person: 38206 N Sunset Road, Benton City, WA 99320
4. Date checklist prepared: 2/17/2022
5. Agency requesting checklist: Benton County Community Development
6. Proposed timing or schedule (including phasing, if applicable): Spring/Summer 2022
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
A conditional use permit will be applied for, upon approval of the ordinance amendment.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None

10. List any government approvals or permits that will be needed for your proposal, if known. _____
Benton County Commissioners approval of the ordinance amendment (text amendment to zoning code) is required.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
Proposal is to add a conditional use permit option to the Red Mountain Agricultural Zoning District.

Currently an agricultural stand, located on 20 acres or more, is an allowable use outright in the zone. The

application is to add a conditional use permit option for the following: (j) Agricultural stands, as defined under BCC 11.03.010(10), on a parcel of atleast two (2) acres or more.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. Red Mountain Agricultural Zoning District.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one):

Flat Rolling Hilly Steep Slopes Mountainous

Other N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. What is the steepest slope on the site (approximate percent slope)? N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A- the proposal is not site specific. Proposal amends the zoning text only.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A- the proposal is not site specific. Proposal amends the zoning text only.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A- the proposal is not site specific. Proposal amends the zoning text only.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A- the proposal is not site specific. Proposal amends the zoning text only.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A- the proposal is not site specific. Proposal amends the z

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. N/A- the proposal is not site specific. Proposal amends the zoning text only.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A- the proposal is not site specific. Proposal amends the zoning text only.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A- the proposal is not site specific. Proposal amends the zoning text only.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A- the proposal is not site specific. Proposal amends the zoning text only.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A- the proposal is not site specific. Pr

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. N/A- the proposal is not site specific. Proposal amends the zoning text only.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A- the proposal is not site specific. Proposal amends the zoning text only.

2) Could waste materials enter ground or surface waters? If so, generally describe. N/A- the proposal is not site specific. Proposal amends the zoning text only.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: N/A- the proposal is not site specific. Proposal amends the zoning text only.

4. **Plants**

a. Check the types of vegetation found on the site:

Deciduous tree (*alder, maple, aspen, other*)

Evergreen tree (*fir, cedar, pine, other*)

Shrubs

Grass

Pasture

Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants (*cattail, buttercup, bullrush, skunk cabbage, other*)

Water plants (*water lily, eelgrass, milfoil, other*)

Other types of vegetation

b. What kind and amount of vegetation will be removed or altered? N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. List threatened and endangered species known to be on or near the site. N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A- the proposal is not site specific. Proposal amends the zoning text only.

e. List all noxious weeds and invasive species known to be on or near the site. N/A- the proposal is not site specific. Proposal amends the zoning text only.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: birds: hawk, heron, eagle, songbirds, other; mammals: deer, bear, elk, beaver, other; fish: bass, salmon, trout, herring, shellfish, other. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. List any threatened and endangered species known to be on or near the site. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Is the site part of a migration route? If so, explain. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Proposed measures to preserve or enhance wildlife, if any: _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

e. List any invasive animal species known to be on or near the site. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

1) Describe any known or possible contamination at the site from present or past uses. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

2) Describe existing hazardous chemicals/conditions that might affect project development and design.

This includes underground hazardous liquid and gas transmission pipelines located within the project

area and in the vicinity. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A- the proposal is not site specific. Proposal amends the zoning text only.

- 4) Describe special emergency services that might be required. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

- 5) Proposed measures to reduce or control environmental health hazards, if any: _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

- 3) Proposed measures to reduce or control noise impacts, if any: _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. _____

The ordinance amendment impacts those lands in the Red Mountain Agricultural Zoning District.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? T

The affected zoning district includes farmlands. The proposal is not site specific at this time and only affects the zoning text.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Describe any structures on the site. N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Will any structures be demolished? If so, what? N/A- the proposal is not site specific. Proposal amends the zoning text only.

e. What is the current zoning classification of the site? The amendment focuses on the Red Mountain Agricultural Zoning District

f. What is the current comprehensive plan designation of the site? Growth Management Act Agricultural

g. If applicable, what is the current shoreline master program designation of the site? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

i. Approximately how many people would reside or work in the completed project? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

j. Approximately how many people would the completed project displace? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

k. Proposed measures to avoid or reduce displacement impacts, if any: _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The proposed text change is consistent and compatible with other uses in the zoning district.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: N/A- the proposal is not site specific. Proposal amends the zoning text only.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing. N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing. N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Proposed measures to reduce or control housing impacts, if any: _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. What views in the immediate vicinity would be altered or obstructed? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Proposed measures to reduce or control aesthetic impacts, if any: _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Could light or glare from the finished project be a safety hazard or interfere with views? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. What existing off-site sources of light or glare may affect your proposal? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Proposed measures to reduce or control light and glare impacts, if any: _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Would the proposed project displace any existing recreational uses? If so, describe. _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A- the proposal is not site specific. Proposal amends the zoning text only.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.
N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A- the proposal is not site specific. Proposal amends the zoning text only.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A- the proposal is not site specific. Proposal amends the zoning text only.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? The Red Mountain zoning district is not served by public transit. The proposal is not site specific. Proposal amends the zoning text only.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A- the proposal is not site specific. Proposal amends the zoning text only.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). N/A- the proposal is not site specific. Proposal amends the zoning text only.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A- the proposal is not site specific. Proposal amends the zoning text only.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as

commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? N/A- the proposal is not site specific. Proposal amends the zoning text only.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. N/A- the proposal is not site specific. Proposal amends the zoning text only.

h. Proposed measures to reduce or control transportation impacts, if any: _____
N/A- the proposal is not site specific. Proposal amends the zoning text only.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Proposed measures to reduce or control direct impacts on public services, if any. _____

N/A- the proposal is not site specific. Proposal amends the zoning text only.

16. Utilities

a. Circle utilities currently available at the site:

electricity natural gas water refuse service telephone sanitary sewer system

other N/A- the proposal is not site specific. Proposal amends the zoning text only.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A- the proposal is not site specific. Proposal amends the zoning text only.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Stacey Gingras

Name of Signee Stacey Gingras

Position and Agency/Organization Owner, Buggiri's Garden

Date Submitted: 2/17/2022

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

- Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.
- When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? _____

The proposed text change will not result in any increases. Site specific evaluations will occur with conditional use permit review.

a. Proposed measures to avoid or reduce such increases are: _____

To be determined through a conditional use permit review.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? _____

The proposed text change will not negatively affect plants, animals, fish etc. Site specific evaluations will occur with conditional use permit review.

a. Proposed measures to protect or conserve plants, animals, fish, or marine life are: _____

To be determined through a conditional use permit review.

3. How would the proposal be likely to deplete energy or natural resources? _____

The proposed text change will not deplete energy or natural resources. Site specific evaluations will occur with conditional use permit review.

a. Proposed measures to protect or conserve energy and natural resources are: _____

To be determined through a conditional use permit review.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed text change will not negatively impact environmentally sensitive areas. Site specific evaluations will occur with conditional use permit review.

a. Proposed measures to protect such resources or to avoid or reduce impacts are: _____

To be determined through a conditional use permit review.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? _____

The proposed text change is not incompatible with any existing plans. Site specific evaluations will occur with conditional use permit review.

a. Proposed measures to avoid or reduce shoreline and land use impacts are: _____

To be determined through a conditional use permit review.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed text change will not increase demands on transportation or public services. Site specific evaluations will occur with conditional use permit review.

a. Proposed measures to reduce or respond to such demand(s) are: _____

To be determined through a conditional use permit review.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. _____

The proposed text change is not incompatible with any local, state or federal laws. Site specific evaluations will occur with conditional use permit review.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

03/10/2022

Ms. Michelle Cooke
Associate Planner
Benton County
1002 Dudley Avenue
Post Office Box 910
Prosser, WA 99350-0910

Sent Via Electronic Mail

Re: Benton County--2022-S-3736--60-day Notice of Intent to Adopt Amendment

Dear Ms. Cooke:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Benton County is amending its development regulations for the Red Mountain Agricultural District (RMAD) relating to uses requiring permits-conditional use permits to add language to BCC 11.109.070 allowing agricultural stands as defined under BCC 11.03.010(10) on a parcel of at least two acres in size but less than twenty acres.

We received your submittal on 03/08/2022 and processed it with the Submittal ID 2022-S-3736. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 05/07/2022.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call William Simpson, (509) 280-3602.

Sincerely,

Review Team
Growth Management Services

Donna Hutchinson

From: Clark Posey
Sent: Monday, March 14, 2022 10:19 AM
To: Donna Hutchinson
Subject: RE: EA 2022-004

After review, SEPA (EA) Environmental checklist EA # 2022-004

Fire Marshal has no comment for this application.

EA 2022-004
Stacy Gingras & Craig Huff
38206 N, Sunset Road
Benton City, WA 99320

Thank you,
Clark

(

From: Donna Hutchinson <Donna.Hutchinson@co.benton.wa.us>
Subject: EA 2022-004

The Benton County Planning Department has prepared the attached DNS in accordance with the State Environmental Policy Act regulation. This DNS is being circulated for review by all agencies with jurisdiction. We are circulating it for comments on the **environmental impacts** of this action

We appreciate your review of the proposal and return of comments no later than **March 22, 2022**. This proposal will not be acted upon before that time.



Donna Hutchinson
Office Assistant IV
Community Development Dept.
Planning Division
PO Box 910 Prosser WA 99350
(509) 786-5612

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

Prosser: We are now located within the Road Department/Public Works Office on the first floor of the Benton County Courthouse at 620 Market St, Prosser WA 99350. **Kennewick:** The County has opened a new Public Services Office at 102206 E Wiser Parkway, Kennewick, which houses the Planning, Building and Road Departments.



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

March 16, 2022

Donna Hutchinson
Benton County Community Development Dept.
Planning Division
PO Box 910
Prosser, WA 99350

Subject: Review Comments for EA 2022-004 Red Mountain Agricultural District

Dear Ms. Hutchinson:

The Kennewick Irrigation District (KID) has reviewed your EA 2022-004 DNS regarding the Red Mountain Agricultural District submitted by Stacy Gingras/Craig Huff, 38296 N. Sunset Road, Benton City, WA 99320.

KID owns and operates a large irrigation system including several miles of underground pipelines and above ground irrigation components, along with valves and other appurtenances that need to be accessed and maintained.

In order to protect KID facilities and easements, KID requests additional language be added to the Benton County conditional use permit review process to require a site plan be submitted to KID for review and approval to ensure the agricultural stands are not placed within irrigation easements or impede KID's ability to maintain the irrigation facilities.

In addition please note:

1. Please note that permanent structures are not allowed within irrigation easements.
2. Please protect all existing irrigation facilities.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris D. Sittman".

Chris D. Sittman
CAD Specialist

cc: LB\correspondence\Red Mountain
Applicant via mail – Stacy Gingras/Craig Huff, 38206 N. Sunset Road, Benton City, WA 99320