

EXHIBIT LIST FOR CUP 2017-003 (Garcia & Gonzalez)

			DATED
Hearing Examiner Application Exhibit List			
HER 1	HER 1.1	Application and Supporting Documents	March 31, 2017
Includes:	HER 1.2		
	HER 1.3		
	HER 1.4		
Hearings Examiner Staff Memo Exhibit List - June 19, 2017			
HEM 1	HEM 1.1	Staff Memo	May 22, 2017
Includes:	HEM 1.2	Site and vicinity maps	April 6, 2017
	HEM 1.3	Notice of Application	April 10, 2017
	HEM 1.4	Comments from Benton County Road Department	April 12, 2017
	HEM 1.5	Comments from Washington State Dept. of Transportation	April 12, 2017
	HEM 1.6	Comments from Benton County Fire Marshal	April 18, 2017
	HEM 1.7	Determination of Non-Significance	May 9, 2017
	HEM 1.8	Notice of Open Record Hearings	May 24, 2017
	HEM 1.9		
	HEM 1.10		
Hearings Examiner Hearing Exhibit List - June 19, 2017			
HEH 1	HEH 1.1		
Includes:	HEH 1.2		
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The Exhibit Numbers are found in the Top Right Hand Corner of each document.

- HER = Hearings Examiner Record Exhibits**
- HEM = Hearings Examiner Memo Exhibits**
- HEH = Exhibits submitted during Hearing**
- HECH = Exhibits submitted during a continued hearing**

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

MEMO DATE: MAY 22, 2017

MEETING DATE: JUNE 19, 2017

TO: BENTON COUNTY HEARINGS EXAMINER

FROM: CLARK A. POSEY,
ASSISTANT PLANNING MANAGER 
BENTON COUNTY PLANNING DEPT.

RE: CONDITIONAL USE PERMIT – CUP 2017-003
VEAL CALF OPERATION

**APPLICANT/
PROPERTY OWNER:** TERESA GARCIA & SERGIO GONZALEZ
161909 W. LEMLEY ROAD
PROSSER, WA 99350

HEM 1.1

SPECIFIC REQUEST

The applicant is applying for a conditional use permit for a Veal Calf Operation on adjoining parcels of 1-2094-400-0003-001 & 1-2094-400-0005-000. Calves will be delivered by livestock dealers on Monday, Thursday, and Saturday. Animals are shipped out on Monday and Thursdays. The number of calves contained on site will be between fifty (50) and eighty (80) at a time with up to two hundred and fifty (250) shipped to slaughter over a week's time.

BACKGROUND

Site Location: The site is located at 161909 W. Lemley Road Prosser WA 99350 in Section 20, Township 9 North, Range 24 East, W.M.

Land Use: The site is currently developed with a 40 X 56 Mobile Home and a 16 X 16 Storage Shed in the GMA-AG Zoning District.

This parcel of land contains 15.82 acres.

Zoning and Comprehensive Plan Designation: The site and surrounding properties are zoned GMA Agriculture.

State Environmental Policy Act:(SEPA) A Determination of Non-Significance was issued regarding the requirements of the Washington State Environmental Policy Act, under WAC 197-11-800(13).

APPLICABLE DEVELOPMENT REGULATIONS

11.18.070 USES REQUIRING PERMITS--CONDITIONAL USE PERMIT REQUIRED. Upon issuance of a conditional use permit by the Benton County Hearings Examiner, the following

uses shall be permitted within the GMA Agricultural District; provided that they are located in a manner that minimizes adverse impacts to agricultural productivity on adjacent lands:

Benton County Code 11.18.070 (21)

(21) 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:

- (a) 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;
- (b) 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;
- (c) 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; 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.
- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) No more than two (1) signs of a size determined by the Hearings Examiner shall be permitted in connection with this use. Illumination of a sign shall be only by sting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right-of-way may interfere with the line of sight for road intersection;

- (i) 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;
- (j) Adequate off road parking, as determined by the Hearings Examiner, must be provided;
- (k) 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; and,
- (l) The days and hours of operation shall be determined by the Hearings Examiner with the granting of a Conditional Use Permit.

11.52.090 CONDITIONAL USE PERMITS.

2. Benton County Code Section 11.52.090(a) states:

"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 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 Section 2.

Certain uses are classified as conditional uses/special 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 BCC 11.52.070.

3. Benton County Code Section 11.52.090(d) states:

"Conditional Use Permit—Permit Granted or Denied. A conditional use/special 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;
- (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.

If reasonable conditions cannot be imposed so as to allow the Hearings Examiner to make the conclusions required above, the conditional use/special permit application shall be denied."

DISPOSITION OF THE APPLICANT'S REQUEST

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 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;**
- (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.**

FINDINGS OF FACT

Based on the application and information received the planning staff makes the following findings.

1. The applicant/property owners are Teresa Garcia & Sergio Gonzalez, The site address of the project is 161909 W. Lemley Road Prosser, WA 99350
2. The applicant is requesting approval of a Conditional Use Permit for a Veal Calf Operation on two adjoining parcels: 1-2094-400-0003-001 & 1-2094-400-0005-000.
3. The application was submitted to Benton County on March 31, 2017, and declared complete for processing on April 3, 2017.
4. Conditional Use Permit # 2017-003 did not require that a Notice of Application be published.
5. The notice for the Benton County Hearings Examiner Public Hearing was published on April 14, 2017, in the Tri-City Herald and mailed to property owners of record within 300 feet of the outer boundaries of the parcel. The Open Record Hearing is scheduled for June 19, 2017.
6. Conditional Use Permit Application # 2017-003 Washington State Environmental Policy Act, under WAC 197-11-800(13).
7. The site is currently developed with a residential 40 X 56 Mobile home and a 16 X 16 storage shed surrounded by pasture ground.
8. The site is zoned GMA Agriculture and is surrounded by multiple agricultural uses.
9. The Benton County Comprehensive Plan designates the site and surrounding areas as "GMA Agriculture".
10. This application was routed to the following agencies: Benton County Fire District #1, Benton Clean Air Authority, Washington State Department of Health, Benton County Code Enforcement Officer, Washington State Department of Ecology, Benton PUD, Verizon and no comments were received from those entities.
11. The Benton County Fire Marshal's comments are attached to this memo.
12. The Benton-Franklin Health District made the attached comments for on-site sewage disposal, approving a public water supply and for possible food service and is attached to this memo
13. The approach apron onto Lemley Road will be required to be paved. The Benton County Roads Department had no other additional comments.

14. The Hearings Examiner has approved conditional use permit applications for compatible businesses in this zoning district. This zone is for agricultural and residential uses. Per Benton County Code this use can be allowed by conditional use permit.
15. The proposed use should 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 GMA Agricultural Zoning District.
16. The proposed use as shown in the application 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 GMA Agricultural Zoning District. The applicant states that rental busses will be used for transport of patrons to the site, minimizing vehicle trips generated by functions to and from the venue.
17. The proposed use as shown in the application would be supported by adequate service facilities, if the conditions as requested by the Planning Staff were required. The proposed use would not adversely affect public services to the surrounding area.

CONDITIONS OF APPROVAL

If the Hearings Examiner decides to approve Conditional Use Permit Application 2017-003, based on the information presented at the public hearing and after making such findings that support that decision, the Planning Department recommends that the following conditions be included:

1. Applicant shall not conduct any of the activities within the scope of Conditional Use Permit 2017-003 until they are in compliance with all the conditions set forth herein. The applicant shall notify the Benton County Planning Department in writing when the conditions have been completed and the Planning Department shall not issue the conditional use permit until those conditions have been met. The conditional use permit shall not become effective until issued by the Planning Department.
2. If the conditions of approval have not been met and the Planning Department does not issue the conditional use permit within one (1) year from the time the Hearings Examiner 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.
3. No advertising sign is being requested with this application.
4. Hours of operation as requested by applicant shall be seven (7) days a week, twenty four (24) hours a day.
5. All requirements of the Benton-Franklin Health District regarding on-site sewage disposal and a public water supply if on-site employees are hired must be applied for and

approved prior to using the facility. This applicant must stay in compliance with the requirements of the Benton/Franklin Health District while CUP 2017-003 is in effect.

6. Any improvements to existing buildings or any new construction on the properties must be permitted and approved by the Benton County Building Department. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
7. No more than three vehicles marked to identify the non - agricultural accessory use may be on the parcel at any time. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
8. The facility is proposed to have a minimum head count of fifty 50 calves and a maximum of eighty (80) calves. Approximately 250 calves will entering and exiting in a weeks' time. The location of boarding facilities has the flexibility to change slightly as needed depending on soil, slope, and grade of the lot or lots. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
9. A Determination of Non-Significance (DNS) has been issued as part of the SEPA review and determination for this CUP.
10. CAFO: Applicant shall comply with current and any future Federal/State standards for Confined Animal Feeding Operations (CAFO's), if applicable.
11. This operation shall comply with the Odor and Fly Control Guidelines established within the Nutrient Management Plan (NMP) The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
 - a. The applicant shall complete and submit an approved Nutrient Management Plan (NMP) for the operation that is developed in accordance with Washington State law for Nutrient Management Plans. The applicant must submit a copy of an approved NMP to the Planning Department within eighteen (18) months of CUP approval.
 - b. Best management practices (BMP's) shall be implemented to prevent surface and ground water discharges as described in the required Nutrient Management Plan. Any storm water accumulation must be contained on site.
12. HEALTH DEPARTMENT: Project shall be in compliance with the rules and regulations of the Benton Franklin Health District at all times.
 - a. Employees at this facility shall be provided domestic drinking water by a public water supply in accordance with WAC 246-291, reviewed and approved by the WA State Department of Health, Office of Drinking Water.
13. Applicant shall meet and comply with State of Washington (Department of Agriculture and State Department of Ecology) standards, if applicable, as it relates to air and water

quality standards for the proposed operation. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.

14. Applicant will utilize the existing residential well for the house and for the operation of livestock watering.
15. Any outdoor lighting at the operation shall be shielded down to the best extent possible. This will assist in ensuring the outdoor lighting will not become a nuisance to neighboring properties and will limit light pollution in rural Benton County. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
16. Road Department states the applicant shall comply with the rules and regulations of the Benton County Public Works Department.
 - a. Approach Permits are required for any new approaches onto a County Road.
17. All new corrals/holding pens shall be located a minimum of twenty five (25') feet from the road right of way/road easement and thirty (30') feet from an adjoining property lines. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
18. All conditions must be completed within one (1) year after the effective date of the conditional use permit, or the conditional use permit shall become null-and-void.
19. In accordance with the County's Zoning Ordinance, any conditional use permit may be revoked by the Hearings Examiner if, after a public hearing, it is found that the conditions upon which the conditional use permit was authorized have not been fulfilled or if the use authorized has changed in size, scope, nature or intensity so as to become a detriment to the surrounding area. The decision of the Hearings Examiner is final.
20. Nothing in this CUP approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
21. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. It cannot be transferred to another site.
22. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from any local, state, or federal regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.
23. That any waste created in association with the business as a result of this conditional use permit must be disposed of off-site in a timely manner and in compliance with all local, state and/or federal regulations. The applicant shall continue to meet all such requirements while Conditional Use Permit 2017-003 is in effect.

- 24 The operation must comply with Benton County Code Chapter 6.04 GARBAGE

6.04.010 DEFINITIONS. For the purpose of this chapter the following definitions shall apply:

6.04.010 (e) Manure: Shall mean cleanings from barns, stables, corrals, pens or cars used for stabling or penning animals or fowl.

6.04.020 WASTE, OFFAL AND MANURE. Garbage, offal and manure; or rubbish, trash, and ashes mixed with garbage, offal, and manure shall be disposed of by incineration, burial or by sanitary fill. Such material shall not be disposed of by being deposited in any ditch, ravine, river, stream, lake, pond, nor upon the surface of the ground on any highway or on any private or public property. Garbage shall be disposed of by the owner by either incineration, burial, sanitary fill or by transporting to a disposal area duly designated as such by the Benton County Commissioners.

25. The operation must comply with Benton County Code Chapter 6.04 GARBAGE

6.04.010(d) DEFINITIONS. For the purpose of this chapter the following definitions shall apply:

(d) Dead Animals: Shall mean all animals large and small which may die or which may be killed for other than food purposes.

6.04.040 DEAD ANIMALS. The carcass of any dead animal shall be removed and disposed of by burial, incineration or other proper method within twenty-four hours after death. If the carcass is buried, it shall be placed so that every part shall be covered by at least two feet of earth and at a location not less than 100 feet from any well, spring, cistern, stream or other surface waters, and in a place not subject to overflow. In all cases of death from communicable disease, the carcass, if disposed of by burial, shall be first enveloped in unslacked lime. Proper disposal shall be made by the owner of the animal or by the owner of the property on which the dead animal is found if ownership cannot be established. Dead animals under no circumstances may be deposited on a public disposal site.

BENTON COUNTY PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION
FILE NO. CUP 2017-003

EA 2017-004

HER 1.1

RECEIVED

MAR 31 2017

Benton County
Planning Department

- Applicant Name Teresa Garcia / Sergio Gonzalez
Applicant Address: 1161909 W. Lemley Rd, Prosser, WA 99350
Telephone number: Home 509-781-4004 Work 509-786-2055
Cell
- Legal owners name: Teresa de Jesus Garcia Chavez / Sergio Gonzalez Andrade
Legal Owners address: 1161909 W. Lemley Rd, Prosser, WA 99350
Telephone number: Home 509-781-4004 Work 509-786-2055
Cell
If you wish to be contacted by email please list your email address:
teresadgarcia@yahoo.com
- Parcel Number or Legal description of property for which permit is for:
1-2094-400-0003-001 and 1-2094-400-0005-000
- If you are amending a previous conditional use/special use permit please list the file number(s):
N/A
- The Conditional Use Permit is requested to conduct the following use: **Please be as specific and detailed as possible. Use additional paper if necessary.**
See attachment for explanation
- The property will be served by:
WATER: Well Private System _____ City System _____
SEWER: Septic Tank City Sewer _____
POWER: PUD _____ REA
PHONE: Yes _____ No _____ Name of Utility _____
GAS: Yes _____ No _____ Name of Utility _____
CABLE: Yes _____ No _____ Name of Utility _____
IRRIGATION: Yes No _____ Name of Utility Roza Irrigation
PRIVATE IRR. Yes _____ No _____
- Total acres of property: 15.82 Zoning Classification of Property: GMAD
Comprehensive Plan Designation See attached map/plan
- Describe existing structures and/or uses currently existing on your property, such as well, septic residential dwelling, garage, etc.:
Manufactured Home: 40 x 56
Storage Shed: 16 x 16
On site sewage disposal system construction map/inspection attached.

9. Describe existing structures and present land uses in the surrounding area of your property:
See attached map/plan

10. Please answer the following questions. **PLEASE BE SPECIFIC - USE ADDITIONAL PAPER IF NECESSARY.**

- a. Is there a residence on site? Yes X No _____
- b. Does at least one of the proprietors of the business own or lease the property where the business and the residence are located? Yes X No _____
- c. Does at least one of the proprietors live in said residence? Yes X No. _____
- d. List the number of non-resident employees. 1 - Business Partner
- e. What is the **total** square footage of the detached building to be used for the business? 65,340 square footage
- f. What is the **total** square footage that will be used for the business activity? 65,340 square footage
- g. Is only one detached building to be used for the business activity? Yes X No _____
- h. Are any signs going to be used with the business activity? Yes _____ No X
If yes, give the number, height and sizes of the sign(s) include a drawing of the sign to be used. N/A
- i. State the number of vehicles marked to identify the business to be stored on site.
3 Trucks / 3 Trailers
- j. List the number of off street parking spots 0
- k. What County Road does the site access off of? N. Wilgus Rd, Williams Rd
- l. List the preferred office hours for the presence of customer/clients and non-resident employees. Days of the week See attachment
Hours of Operation See attachment

11. Applicant shall attach a site plan of the property, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equal 100 feet (1"=100') unless otherwise specifically approved by the Planning Department, showing the following information.

- A. Dimensions of the property.
- B. Location and size of the proposed use, number of parking spaces, etc., complete with distances between buildings and all property lines.
- C. Location and size of existing structures, complete with distances, buildings and all property lines.
- D. All streets, roads, easements, and rights-of-way located on or adjacent to this property. (Label structures and roadways)
- E. Label and Show a floor plan for the structure to be used for the Business Activity.

COMMENTS OR PERTINENT INFORMATION:

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.

Signature Block for individuals only.

I certify that the information given above is true and complete.

Sergio Gonzalez
Applicant's Signature

Teresa Garcia
Print Name

03-31-17
Date

Sergio Gonzalez / Sergio Gonzalez
Signature of Legal Owners

Sergio Gonzalez / Teresa Garcia
Print Name

03-31-17
Date

Signature of Person with additional ownership interest

Print Name

03-31-17
Date

If the applicant or legal owner is a corporation/partnership/LLC etc. please use the following signature block. Please copy this page if there is more than one corporation/partnership/LLC signature required.

Applicant or Legal Owner: _____

By: _____
(print name) (Title)

Signature: _____
(Signature) (Title)

The above signed officer of _____ (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit _____ to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

(ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.)

Note: The Conditional Use/Special Permit Application fee of \$630.00 and the \$300.00 applicant fee for the SEPA checklist, if required, must be submitted with the application. These fees are non-refundable. Please make your check payable to the Benton County Treasurer. There are no guarantees that your application will be approved.

FOR OFFICIAL USE ONLY:
Critical Area Review Completed by: _____ on _____.
Application approved for processing by _____ on _____.
Zoning _____ Comp Plan Designation _____.

5. To receive calves into hutches for preparation to send to slaughter.

Process:

1. Calves are picked up from dairies with appropriate ear tag. (Monday, Thursday, Saturday)
2. Calves are delivered to 161909 W. Lemley Road by other livestock dealers (Monday, Thursday, Saturday) between 11:00 am – 1:00 pm.
3. Upon arrival calves are placed in to hutches. In the hutches the calves are bottle feed with electrolyte or powdered milk. Then additional metal tags are affixed. Water gallons needed per day: approx. 25 gallons (Monday, Wednesday, Saturday, Sunday)
4. USDA Inspector and the Veterinary are called in for inspection.
5. USDA Inspector inspects required ear tags, quantity of calves, issues Washington Brand Certificate Change of ownership for a fee.
6. Veterinary inspects calves and issues Health Certificate for a fee.
7. Calves are loaded in to trailers for shipment to slaughter.
8. Shipment days: (Monday, Thursday)
9. Calve Holding Days: (Saturday & Sunday) Approx. Qty: Lowest Amount: 50 Highest Amount: 80
10. Clean up: (Tuesday & Wednesday)
 - a. Straw is removed from hutches and spread into our property (Mark Neilson from the Benton and Franklin Conservation Districts was contacted for a Nutrient Management Plan)
 - b. Lime is poured in to the ground
 - c. Straw is spread over the lime
11. Quantities: Approx. 250 calves are sent to slaughter weekly
12. Dead Calves: Upon dead calves are placed in to a truck or a trailer, depending on quantity, then taken to Baker Commodities Inc. or Cheyne Landfill for a fee. The dead calves are taken ASAP upon dead and operating hours Baker Commodities Inc and Cheyne Landfill.

Days of the week and Hours of operation:

Monday: 5-4 *5 A.M to 4 P.M.*

Tuesday: 8-1

Wednesday: Off

Thursday: 5-4

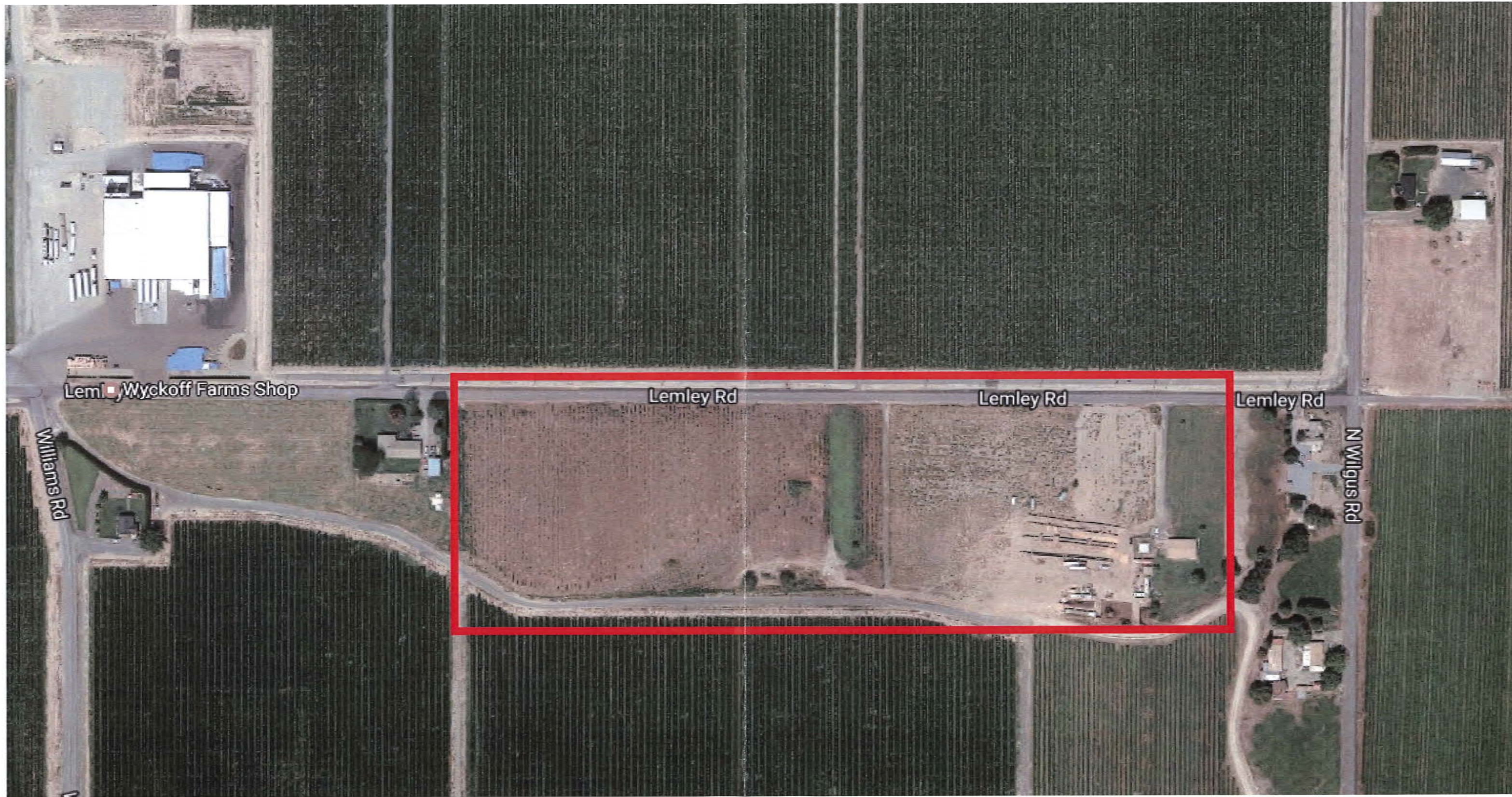
Friday: Off

Saturday: 5-1

Sunday: 8-11

*the above schedule is the ideal, but if we have shipping delays or mechanical failures days off or times maybe effected.

Neighborhood MAP with our property identified in red (source: google maps)



Property – red section identifying the area where calves are kept. (Source: Google maps)



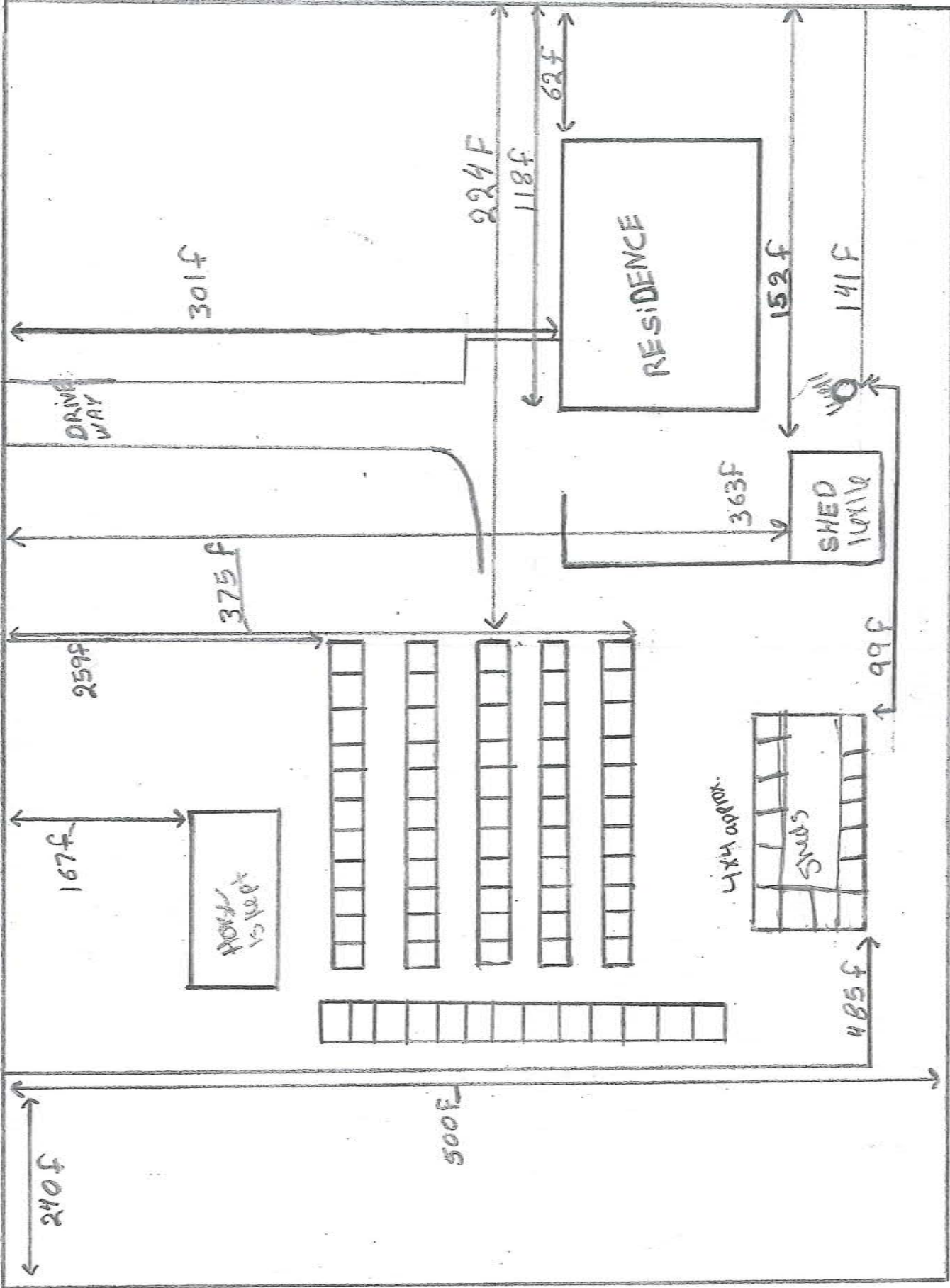
Lemleyko

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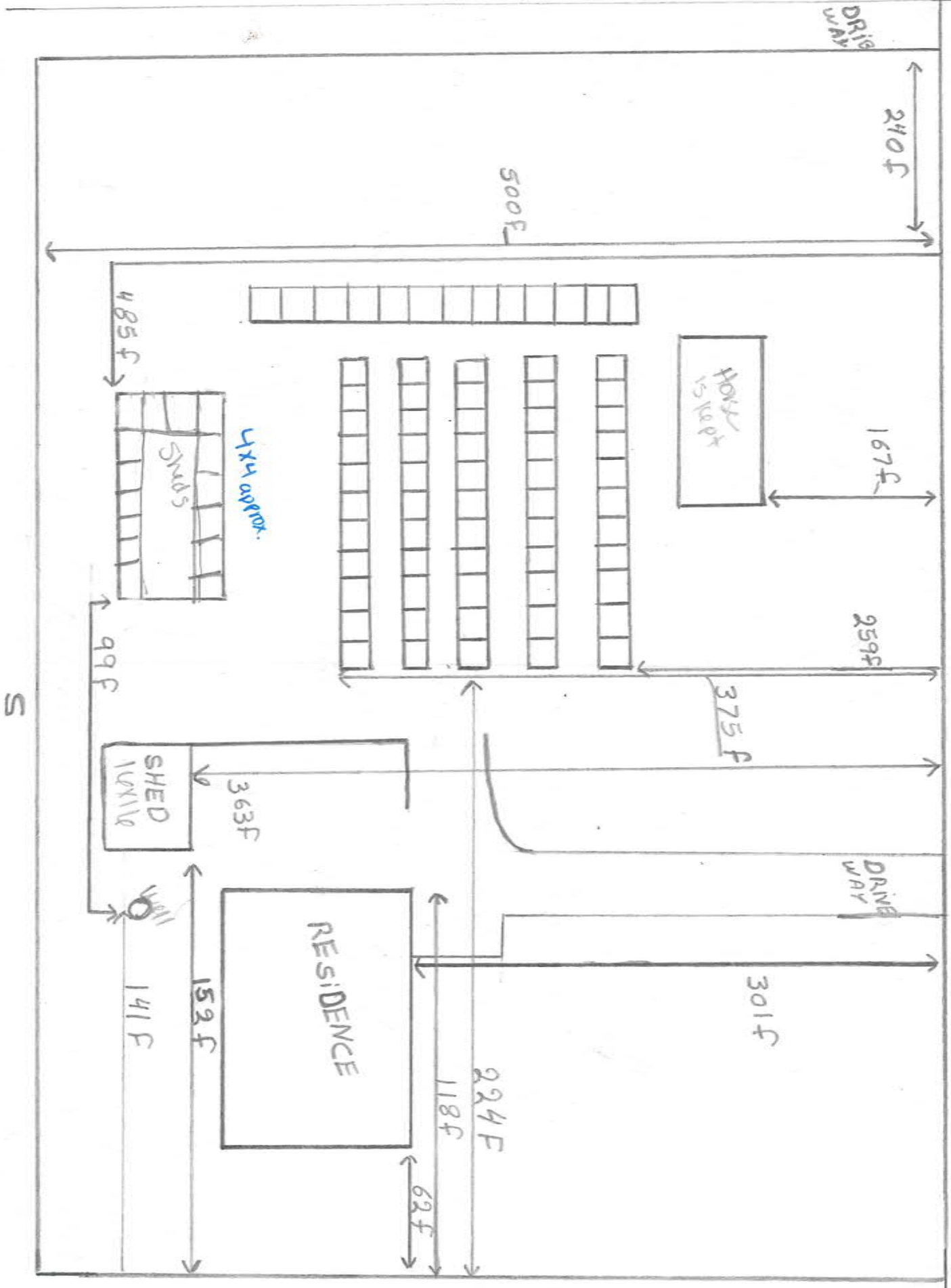
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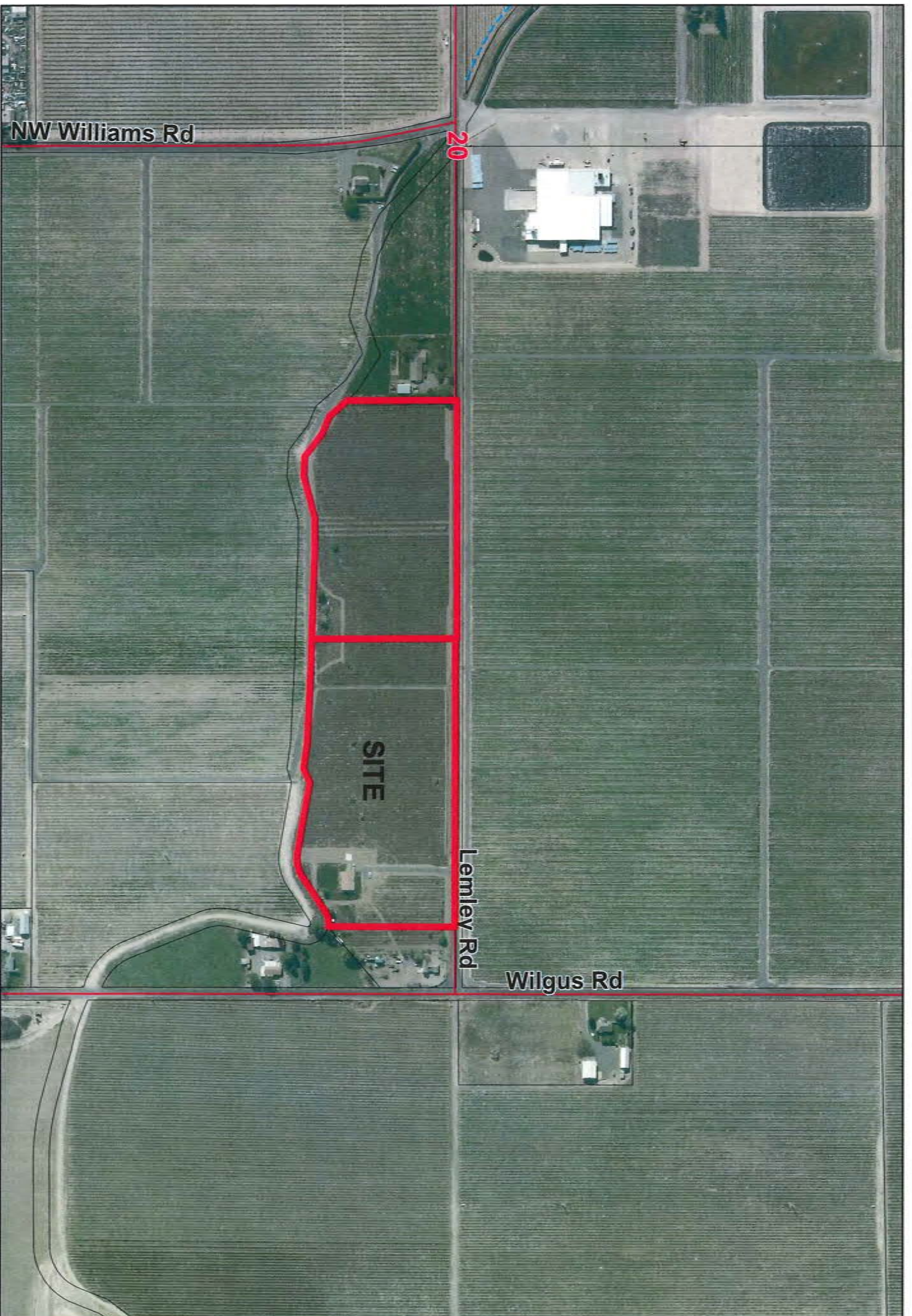
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SECTION 22, TOWNSHIP 9 NORTH, RANGE 24 EAST, W.M
EA # 2017-004 VEAL CALF OPERATION CUP # 2017-007
PARCEL # 1-2094-400-0003-001 & 1-2094-400-0005-000
TERESA GARCIA & SERGIO GONZALEZ MAP PRINTED APRIL 6, 2017

HEM 1.2

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SECTION 22, TOWNSHIP 9 NORTH, RANGE 24 EAST, W.1M
EA # 2017-004 VEAL CALF OPERATION CUP # 2017-007
PARCEL # 1-2094-400-0003-001 & 1-2094-400-0005-000

TERESA GARCIA & SERGIO GONZALEZ MAP PRINTED APRIL 6, 2017



Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

NOTICE OF APPLICATION

HEM 1.3

NOTICE IS HEREBY GIVEN that there has been proposed to the Benton County Planning Department, an application (File No. EA 2017-004/CUP 2017-003) received March 31, 2017 and submitted by Teresa Garcia and Sergio Gonzalez to operate a veal calf operation. The date of the written determination of completeness on this action is April 3, 2017. The site is located in Prosser, on the South side of Lemley Road, West of Wilgus in Section 20, Township 9 North, Range 24, W.M.

The Benton County Planning Department will review said application and a public hearing will be scheduled at a later date and property owners within 300 feet of the boundaries of the project site will receive a public hearing notice. Said proposal will be reviewed under the requirements of the State Environmental Policy Act. The Benton County Planning Department expects to issue a Determination of Non-Significance (DNS) utilizing the optional DNS process set forth in WAC 197-11-355. A copy of the subsequent threshold determination for this proposal may be obtained from the Benton County Planning Department.

All concerned persons will have fourteen (14) days from the date of publication of this notice to comment in writing on this action. This comment period may be the only opportunity to comment on the environmental impacts of this proposal. Comments and questions should be submitted to the Benton County Planning Department by mail to P.O. Box 910, Prosser, WA 99350.

Any information submitted to Benton County is subject to the 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.

Signed at Prosser, Washington on this 10th day of April, 2017



CLARK A. POSEY, Assistant Planning Manager

PUBLISH ON: April 14, 2017

COPY from EA file

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Benton County

Road Department

Post Office Box 1001 - Courthouse

Prosser, Washington 99350-0954

Prosser: (509) 786-5611/Tri Cities: (509)736-3084

Fax: (509) 786-5627

TO: PLANNING

FROM: TAVIS HATFIELD

DATE: APRIL 12, 2017

SUBJECT: CUP 2017-003 *Garcia/Gonzalez*

HEM 1.4

The Benton County Road Department has the following comments;

- Apply for a road approach permit with the Benton County Road Department.

RECEIVED

APR 12 2017

Benton County
Planning Department

2

HEM 1.5

April Brown

From: Holmstrom, Rick <HolmstR@wsdot.wa.gov>
Sent: Wednesday, April 12, 2017 2:17 PM
To: Planning Department
Cc: Gonseth, Paul
Subject: RE: SEPA and Conditional Use Permit Agency Review

CUP 2017-003
EA 2017-004

RECEIVED

WSDOT has no comments for this CUP proposal.

APR 12 2017

From: Planning Department [mailto:Planning.Department@co.benton.wa.us]
Sent: Wednesday, April 12, 2017 1:35 PM
To: Gonseth, Paul <GonsetP@wsdot.wa.gov>; Holmstrom, Rick <HolmstR@wsdot.wa.gov>
Subject: RE: SEPA and Conditional Use Permit Agency Review

Benton County
Planning Department

Attached please find an application and SEPA checklist for a Conditional Use permit to allow a veal calf operation 161909 West Lemley Road in Prosser.

Please return all comments to this email no later than April 25, 2017

Please contact our office if I you have any questions.

Thank you!

April Brown

Office Assistant III
 Benton County Planning Department
 PO Box 910
 Prosser WA 99350
 509-786-5612 or 509-736-3086
 Fax: 509-786-5629

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.

**Benton County Fire Marshal's
Review of Proposed Planning Applications**

HEM 1.6

RECEIVED

TO: BC Planning Department

CUP 17-003 & EA 17-004

APR 18 2017

Date Received 4-12-17 Date Returned 4-18-17

Benton County
Planning Department

Comments: Tera Garcia & Sergio Conzalez, 161909 W. Lemley Rd Prosser, WA. 99350, 781-4004 proposes to on parcel 1-2094-400-0003-001 and 1-2094-400-0005-000, operate a veal calf operation. There will not be any building construction.

Fire Marshal's Comments:

In the future, should a new building be built that is over 2,500 sq.ft onsite fire protection water will be required.

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

DETERMINATION OF NONSIGNIFICANCE File No. EA 2017-004

HEM 1.7

Description of Proposal: Operation of a veal calf operation wherein up to 250 calves per week are delivered to the site from surrounding dairies and 40 to 80 calves at a time are kept onsite for 3-5 days and then are loaded in trailers for shipment.

Proponent: Teresa Garcia and Sergio Gonzalez

Location of proposal, including street address, if any: 161909 West Lemley Road, Prosser, WA 99350 located on the South side of Lemley Road and West of Wilgus in Section 20, Township 9 North, Range 24 East, W.M.

Lead agency: **BENTON COUNTY**

The lead agency for this proposal has determined that it does 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). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

THERE IS NO COMMENT PERIOD FOR THIS DNS.

If you have questions about this DNS or the details of the proposal, contact Clark A. Posey, Assistant Planning Manager using the information below.

Responsible Official: Clark A. Posey
Position/Title: Assistant Planning Manager
Mailing Address: P.O. Box 910, Prosser WA 99350
Email: planning.department@co.benton.wa.us
Phone/Fax: (509)786-5612/ (509)786-5629

DATE OF ISSUE: May 9, 2017

Signature: 

THERE IS NO AGENCY APPEAL.

DISTRIBUTION:

Applicant ✓
News Media ✓
Benton County Building Department ✓
Department of Natural Resources-Ellensburg ✓
Department of Natural Resources - Olympia ✓
Benton Clean Air Authority ✓
Benton County Roads Department ✓
Benton-Franklin Health District ✓
Department of Transportation ✓
Washington State Department of Health ✓

Department of Ecology - Olympia ✓
Department of Ecology - Yakima ✓
Benton County Fire Marshal ✓
Dept. of Fish and Wildlife ✓
Bureau of Reclamation ✓
Bureau of Land Management ✓
Fire District #3 ✓
Futurewise ✓
Dept. of Archaeology/Historic Preservation ✓
Roza Irrigation District ✓

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

NOTICE OF OPEN RECORD HEARINGS

HEM 1.8

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

VAR 2017-001- The applicants are requesting a variance to reduce the required 25 foot rear yard setback to 14 feet. The date of the written determination of completeness on this action is April 6, 2017. The site is located at 93159 E Badger Rd Kennewick, WA 99338, in Section 22, Township 8 North, Range 28 East, W.M. Applicants: Tanner & Desiree Lindstrom.

CUP 2017-003 (EA 2017-004) – The applicants are proposing to operate a veal calf operation wherein up to 250 calves per week are delivered to the site from surrounding dairies and 40 to 80 calves at a time are kept onsite for 3-5 days and then are loaded in trailers for shipment. The date of the written determination of completeness on this action is April 3, 2017. The site is located in Prosser, on the South side of Lemley Road, West of Wilgus in Section 20, Township 9 North, Range 24, W.M. Applicants: Teresa Garcia and Sergio Gonzalez.

VAR 2017-002- The applicants are requesting a 20 foot variance to the required 25 foot setback from the rear yard setback on the northern boundary of lot 3 of Short Plat 3278 allowing a structure to be within 5 feet of the property line. The date of the written determination of completeness on this action is May 8, 2017. The site is located at 105106 Wiser Parkway, Kennewick, WA 99338, in Section 11, Township 8 North, Range 28 East, W.M. Applicant: Jay Brantingham.

NOTICE IS GIVEN that said applications will be considered by the Benton County Hearings Examiner at the public hearings on Monday, June 19, 2017 at 10:00 a.m. in the Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA 99350. All concerned persons may appear and present any support for or objections to the applications or provide written testimony to the Hearings Examiner in care of the Planning Department on or before the date of the hearings. More information concerning these actions can be obtained by contacting Clark A. Posey, Assistant Planning Manager at the Benton County Planning Department, 1002 Dudley Avenue, P O Box 910, Prosser, WA 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser). Any information submitted to Benton County is subject to the 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. It is suggested that if you plan on attending the hearing that you call the Benton County Planning Department by 8:30 a.m. the morning of the hearing to confirm that the hearing will be conducted as scheduled.

It is Benton County's policy that no qualified individual with a disability shall, by reason of such disability be excluded from participation in or be denied the benefits of its services, programs, or activities or be subjected to discrimination. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please download and submit the Accommodation Request Form 48 hours prior to the date of the meeting. The form is located on the Benton County website which is www.co.benton.wa.us under the Personnel Department or contact the Benton County Planning Department at the numbers noted above for assistance.

Dated: May 24, 2017

SUSAN E. DRUMMOND
Benton County Hearings Examiner
CLARK A. POSEY, Assistant Planning Manager
Benton County Planning Department



Publish: June 1, 2017