

Planning Department

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**STAFF MEMO TO THE
BENTON COUNTY HEARINGS EXAMINER
Degrado: Winery**

FILE NO: CUP 2020-012 (Request for Extension)

HEARING DATE: December 17, 2021

APPLICANT/OWNER: James Degrado, 34809 W Schumacher PR NE, Benton City, WA 99320

LOCATION: General Location: The property is located south of SR 224, directly south of the Red Mountain American Viticultural Area (AVA).
Address: 34809 W Schumacher PR NE, Benton City, WA 99320
Legal: Section 16, Township 9 North, Range 27 E, Quarter SE; Short Plat #3446, Lot 1.
Parcel Number: 1-1697-401-3446-001.

PROPERTY SIZE: Approximately 10.01 acres

AREA TO BE USED: Conversion of existing 3600 square foot pole building to wine production facility, in addition to 47' x 70' outdoor water treatment pond.

LAND USE: Residential

ZONING: Rural Land 5 Acre

COMPREHENSIVE PLAN DESIGNATION: Rural Remote

APPLICATION DESCRIPTION:

The applicant is requesting an extension to the one-year window provided to meet the conditions of approval for CUP 2020-012, due to unanticipated elevated nitrate levels in an existing well. The applicant has coordinated with Benton Franklin Health District (BFHD) upon treatment and testing approaches, with the efforts delayed due to the installation of an incorrect component within a treatment unit (Manufacturer error). Once this error was corrected, the nitrate levels were well below limits and the well ultimately approved by BFHD.

The above referenced well approval was the last element required to allow final inspections from Health, Planning, and Fire Marshal. The applicant has provided a written request for extension, detailing the challenges with well nitrates, and indicating approval of final inspections is anticipated in the very near future. The applicant has demonstrated significant progress toward meeting the conditions of approval.

The applicant has requested an additional two (2) months to complete paperwork and inspections required for approval. The Planning Division supports an extension of time to complete remaining conditions of approval for CUP 2020-012.

Brian Malley

From: Christian Taylor <ctaylor@509buildersllc.com>
Sent: Thursday, September 30, 2021 11:02 AM
To: Planning Department
Cc: Brian Malley
Subject: [EXTERNAL] Re: CUP 2020-012

EXTERNAL EMAIL WARNING!!!: This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

On behalf of Mr. Degrado, I am requesting an extension on CUP 2020-12.

We experienced delays due to unexpected elevated nitrate levels in the existing well which prevented us from obtaining the necessary status of a Group B well. We first became aware of this on January 2021 and under direction of Benton-Franklin Health Department we consulted an engineer for the best way to treat the well. Our first attempt at the installation was May '21, however it didn't reduce nitrate levels and after several months of reconfiguring and testing it was discovered in September '21 that the manufacturer had installed the incorrect active component in the unit and once this was corrected, the nitrate levels were well below the limit and we could continue.

This was the last hurdle we had been dealing with and we are in the process of final paperwork with Health and Building to finish inspections from Health, Planning, and Fire Marshal. The Dept. of Ecology has been contacted and they stated the production of the winery is too small for them to require a permit or inspections.

We are requesting an additional two months to complete all paperwork and inspections for a completion date of December 2, 2021.

Thank you,

Christian Taylor
Focal Contracting LLC
(509)781-2977

On Sep 21, 2021, at 2:50 PM, Brian Malley <Brian.Malley@co.benton.wa.us> wrote:

Mr. Degrado (James) and Mr. Taylor (Christian) –

I received Christian's voicemail today, indicating an extension is desired for Conditional Use Permit (CUP 2020-012). Extensions are considered by the Hearing's Examiner, of which we currently are not expecting another hearing until November (at earliest – we had a hearing last Friday). Planning Division will consider your request for extension and have it scheduled for consideration, at our next earliest opportunity. Hearings are scheduled when new applications are being heard – with extension requests added, when necessary. We do not schedule meetings to hear requests for extension, solely.

For the Planning Division to process your request for extension, we do need to receive your extension request prior to the expiration of the one-year timeframe indicated in Preliminary Approval Letter. This date is October 2, 2021.