

COMMISSIONERS RECORD 51  
FRANKLIN COUNTY  
Commissioners' Proceedings for November 28, 2012

*This document is a summarized version of the Board of Commissioners proceedings. The minutes are paraphrased, not verbatim. Access to an electronic audio recording of the meeting is available upon request.*

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Brad Peck, Chairman; Rick Miller, Chair Pro Tem; and Robert E. Koch, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 am.

**PLANNING AND BUILDING DEPARTMENT**

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

**Public Hearing:** ZC 2012-02, a Zone Change application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2). The 14 acres (approximate) is located at the southeast intersection of E Vineyard Drive and Highway 395 near site address 502 E Vineyard Drive in Franklin County, WA (Portions of parcel number(s) 124-660-039 and 124-660-037).

Public Hearing convened at 9:00 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Jim Follansbee and Rich Lahtinen.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 1).

Mr. MacPherson explained how two other previous hearings have related to the application. He showed maps and aerial photographs with zoning overlay on the screen.

Mr. Peck asked three times if anyone in the audience wished to comment on the zone change request. There was no response. Hearing was closed to public comment.

**Motion** – Mr. Miller: Mr. Chairman, I move that we approve Zone Change 2012-02 with five findings of fact. Second by Mr. Koch. 3:0 vote in favor. Ordinance 4-2012 was approved. (Exhibit 2)

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**Public Hearing:** CUP 2012-09, a Conditional Use Permit application to construct a 40' x 50' (approximate) truck storage building to be used by Fire District #4 for fire station (emergency vehicles) purposes. The property is located in the Agricultural Production 20 (AP-20) Zoning District. The property is near the northeast intersection of Hendricks Road and Sagehill Road along the east side of Sagehill Road near site address 141 Second Foot Road (Parcel Number 120-270-091).

Public Hearing convened at 9:06 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Jim Follansbee and Rich Lahtinen.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 3).

Mr. MacPherson showed a copy of aerial photograph with parcel overlay of the site.

Mr. Wendt reviewed the conditions of approval.

The planners answered Mr. Peck's questions.

Mr. Peck asked three times if anyone in the audience would like to comment on the proposed action. There was no response. Hearing was closed to public comment.

**Motion** – Mr. Koch: I would move to approve CUP 2012-09 subject to the six findings of fact and eight conditions. Second by Mr. Miller. 3:0 vote in favor. Resolution 2012-390 was approved.

**Public Hearing:** SH 2012-01, a Shoreline Substantial Development Permit to perform maintenance dredging at the LD Commodities terminal on the Snake River. The project site is along the Snake River, southwest of Wallace Walker Road along the south side of Burr Canyon Road near site address 5252 Burr Canyon Road (Parcel Number 555-915-858).

Public Hearing convened at 9:14 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Jim Follansbee and Rich Lahtinen.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 4).

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Mr. MacPherson showed photographs and maps on the screen and explained some of the work that will be done by the company including dredging of 40 cubic yards from the Snake River. He showed a diagram of a cross section of the dredge. He showed a slide titled "Riparian Enhancement Plan." He listed some of the permits that will be required for the project. The Planning Commission acts as the Shorelines Hearings Board.

Tri-City Herald Reporter Michelle Dupler joined the audience at 9:21am.

Mr. Peck asked three times if anyone in the audience wished to comment. There was no response. Hearing was closed to public comment.

**Motion** – Mr. Miller: Mr. Chairman, I move to grant approval of SH 2012-01 subject to the six findings of fact and seven conditions of approval. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-391 was approved.

**OFFICE BUSINESS (9:25 am)**

Administrative Assistant Margo Hines met with the Board. Present in audience: Jim Follansbee, Rich Lahtinen and Michelle Dupler.

Vouchers

**Motion** – Mr. Koch moved for approval of vouchers: Salary Clearing, Emergency Management and Irrigation payroll, with a bottom line total of \$769,472.36. It is approved by Jeff Burckhard and prepared by Kristina Bahovich. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 5)

<u>Fund</u>	<u>Warrant</u>	<u>Amount</u>
<b>Salary Clearing Payroll:</b>		
Payroll	57326-57422	182,813.58
Direct Deposit		324,780.46
		507,594.04
Benefits	57423-57437	236,014.32
	<b>Total</b>	<b>\$743,608.36</b>
 <b>Emergency Mgmt Payroll:</b>		
Payroll	74680-74690	\$3,015.56
Direct Deposit		4,648.15
		7,663.71
Benefits	74691-74699	3,381.58
	<b>Total</b>	<b>\$11,045.29</b>

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**Irrigation Payroll:**

Payroll	74660-74671	\$5,819.92
Direct Deposit		3,457.29
		9,277.21
Benefits	74672-74679	5,541.50
	<b>Total</b>	<b>\$14,818.71</b>

**Grand Total All Payrolls** **\$769,472.36**

**Motion** – Mr. Koch moved for approval of vouchers from nine funds with expenditures in the total amount of \$316,888.21. Second by Mr. Miller. Mr. Peck asked Mr. Bowen if he had reviewed the vouchers. Mr. Bowen looked at all of the Current Expense vouchers and told the Board about some District Court expenditures for pro tem judges. 3:0 vote in favor. (Exhibit 6)

<b>Fund Expenditures</b>	<b><u>Warrants</u></b>		<b>Amount Issued</b>
Current Expense	74753	74830	\$57,991.35
Current Expense	74831	74833	\$3,005.00
Election Equipment Revolving	74834	74835	\$729.46
Clerk LFO Collection Fund	74836	-	\$36.53
Enhanced 911	74837	74841	\$70,596.18
Ending Homelessness Fund	74842	74843	\$661.01
Capital Outlays 1/4% Excise	74844	-	\$145,583.62
Rental Car Excise Tax	74845	-	\$36,798.28
Current Expense	74846	74847	\$1,486.78

Grand Total: \$316,888.21

## Consent Agenda

**Motion** – Mr. Miller: Mr. Chairman, I move that we approve items 1 through 9 of the consent agenda as listed. Second by Mr. Koch. Mr. Miller amended his motion to remove item #6.

Second by Mr. Koch. 3:0 vote in favor.

1. Approval of Resolution 2012-392, amendment to agreement between Benton and Franklin Counties Department of Human Services and Netsmart Ohio, Inc., for the equipment purchase and software license



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2. Approval of Resolution 2012-393, Agreement #11/13-SA-LCC-00 to provide substance abuse treatment services for the remainder of the 2011-2013 biennium between Benton and Franklin Counties Department of Human Services and Lourdes Counseling Center
3. Approval of Resolution 2012-394, reappointing Richard Britton to the Franklin County Mosquito Control District Board of Trustees for a two-year term, representing Commissioner District 1, effective January 1, 2013 through December 31, 2014
4. Approval of Resolution 2012-395, reappointing Monti Cooper to the Franklin County Mosquito Control District Board of Trustees for a two-year term, representing Commissioner District 2, effective January 1, 2013 through December 31, 2014
5. Approval of Resolution 2012-396, Personal Services Contract Amendment between Franklin County and Altagracia L. Mendoza

(Clerk's Note: Item #6 was withdrawn from the consent agenda.)

6. Approval of Resolution 2012-\_\_\_\_\_, Amendment No. 1 to Subscriber Agreement between Franklin County and Public Safety Testing, amending the termination date to December 31, 2015
7. Approval of Resolution 2012-397, Interlocal Agreement No. ICA13214 between Franklin County and Washington State Office of Public Defense
8. Approval of Resolution 2012-398, Washington Public Agency Contract: Small Works Roster and Consultant Roster, between Franklin County and Municipal Research and Services Center (MRSC)
9. Approval of Resolution 2012-399, on the subjects of establishing a Small Public Works Roster Process to award public works contracts, and a consulting services roster for architectural, engineering and other professional services

**PUBLIC WORKS (9:36 am)**

Matthew Rasmussen, County Engineer, and Matt Mahoney, Public Works Director, met with the Board. Present in audience: Jim Follansbee, Rich Lahtinen and Michelle Dupler.  
Bid Opening: CRP 600 / Filbert Bridge #408-0.69

Mr. Rasmussen said the bid opening will be delayed for one week because the suppliers for the bridge structure were unable to give an accurate estimate in time for bidders to prepare accurate bids. The bid opening was rescheduled to December 5, 2012, at 9:45 am.

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Design Software Purchase (9:44 am)

Mr. Rasmussen asked for approval to purchase design software. He said it is an investment up front but over the years would save about \$2000 a year. The County Road Administration Board (CRAB) provides training and support at a very low cost compared to training for other software. Free technical support is provided.

**Motion** – Mr. Koch: I would move for approval of purchase of this Civil 3D Design software. Second by Mr. Miller. A subscription contract would be needed. Mr. Peck does not want to approve at this time until he has seen the contract that would be connected with the software.

**Mr. Koch rescinded his motion.** Mr. Miller rescinded his second. Motion died.

**HUMAN SERVICES (9:54 am)**

Present in audience: Jim Follansbee, Rich Lahtinen and Michelle Dupler.

Human Services Administrator Ed Thornbrugh answered Mr. Peck's questions about item #1 on the consent agenda.

**COUNTY ADMINISTRATOR (9:59 am)**

County Administrator Fred Bowen met with the Board. Present in audience: Jim Follansbee, Rich Lahtinen and Michelle Dupler.

Jail Construction

Mr. Bowen gave a brief update about the status of the jail construction process.

**Executive Session** at 10:04 am pursuant to RCW 42.30.140(4) contract negotiations regarding union contract negotiations expected to last up to 10 minutes. Those in the audience left the meeting.

**Open Session** at 10:16 am. Michelle Dupler joined the audience.

**Executive Session** at 10:17 am pursuant to RCW 42.30.110(1)(g), to evaluate qualifications of an applicant for employment, expected to last 15 minutes. Ms. Dupler left the meeting.

**Open Session** at 10:34 am. Present in audience: Michelle Dupler, Jim Follansbee and Rich Lahtinen.

The Board discussed hiring of a jail construction project manager.

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**Motion** – Mr. Koch: I would move for approval of offering Mr. Hueter the position. Mr. Peck and Mr. Miller requested more time before making a Board decision. Motion died for lack of a second. Mr. Peck gave instructions to Mr. Bowen in preparation for making a decision next week.

**OHER BUSINESS**

Mr. Koch said he is starting to work on a replacement vehicle to be used in the Motor Pool and expects it will take two to four months to finish the process. Mr. Peck asked Mr. Bowen to work with Public Works to determine if we have a policy for vehicle replacement and if we are following the policy. Mr. Bowen said we do have a policy. He will check with Public Works for details.

**ADJOURNMENT**

**Motion** – Mr. Miller: I move the meeting is adjourned at 10:45. Second by Mr. Koch. 3:0 vote in favor.

**Adjourned** at 10:45 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until December 5, 2012.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON



Brad Peck, Chairman

**Rick Miller - Absent**

Rick Miller, Chairman Pro Tem



Robert E. Koch, Member

Attest:

  
Clerk to the Board

Approved and signed December 12, 2012.

**Franklin County**  
**Board of Commissioners**  
**Agenda Summary Report**

**DATE:** November 20, 2012**PRESENTED BY:** Jerrod MacPherson

**ITEM:** (Select One)      ☐ Consent Agenda.  
                                 ☒ To Be Brought Before the Board.    Date: November 28, 2012  
                                 Time needed: 15 minutes

**SUBJECT / ISSUE:** ZC 2012-02, a zone change application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2).

**ACTION(S) REQUESTED:**

Review the Planning Commission Recommendation in a Public Meeting; Pass a motion; and Pass an Ordinance.

**BACKGROUND:**

This is a zone change application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2).

The property is located in a Rural Activity Center as designated by the County Comprehensive Plan. A Rural Activity Center normally permits activities that focus on business/commercial related activities and excludes industrial and residential activities.

The property is located at the southeast intersection of E Vineyard Drive and Highway 395 near site address 502 E Vineyard Drive in Franklin County, WA (Portions of parcel number(s) 124-660-039 and 124-660-037).

**Public Testimony and Discussions:**

Phone and/or In-Office Discussions: Planning Staff did not receive any phone calls or in office inquiries regarding this application.

Open Record Hearing Testimony:

- In support of application: The applicant spoke in support of the application.
- Opposed to application: No public spoke against the application.
- Clarification only: None.

Planning Commission Voting/Discussion: Positive recommendation with 6 in favor; 0 against.

**Summary:** At the regularly scheduled Planning Commission hearing on November 6, 2012 the Franklin County Planning Commission voted to forward a positive recommendation for this application to the Board of County Commissioners subject to the following five (5) findings of fact:

**Finding of Fact:**

1. The application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2) **IS** in accordance with the goals and policies of the Comprehensive Plan.
  - a. This is a zone change application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2).
  - b. The County Comprehensive Plan designates this land as being a Rural Activity Center (East Vineyard Drive/SR 395 Area). A Rural Activity Center normally permits activities that focus on business/commercial related activities and excludes industrial and residential activities. A rezone to C-2 is consistent with County Comprehensive Plan designation.

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**Agenda Summary Report**

- c. The East Vineyard Drive/SR 395 Rural Activity Center was established in the Comprehensive Plan in 2012 (CPA 2012-01).
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The rezone application will not damage or be harmful to the immediate vicinity.
  - b. A rezone from AP-20 to C-2 is consistent with the Comprehensive Plan and is compatible with surrounding uses such as the winery use to the east and industrial comprehensive land use designation to the west.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. The rezone from a AP-20 to C-2 will further the implementation of the County Comprehensive Plan (Rural Activity Center).
4. Conditions **ARE** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. All future development at the site shall comply with County Development Regulations (including Zoning and Subdivision).
  - b. All future development at this site shall comply local, state, and federal agency standards and ensure appropriate access and health issues are sufficiently addressed.
  - c. All future development at the site shall comply with Washington State Department of Transportation standards (see Case File for letter dated October 8, 2012).
5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.

**COORDINATION:**

N/A

**RECOMMENDATION:**

The County Planning Commission recommends the Board of Commissioners approve ZC 2012-02 with the following motion:

**Motion:**

Grant approval of ZC 2012-02, subject to the five (5) findings of fact.

**HANDLING / ROUTING:**

N/A

**ATTACHMENTS:**

Four (4) exhibits are attached for consideration: 1) A Comprehensive Land Use Plan overlay map of the general area and parcel(s) in question; 2) A Zoning overlay map of the general area and parcel(s) in question; 3) A detailed aerial overlay map of the parcel(s) in question; and 4) A copy of the Washington State Department of Transportation comment letter of 10/8/12.

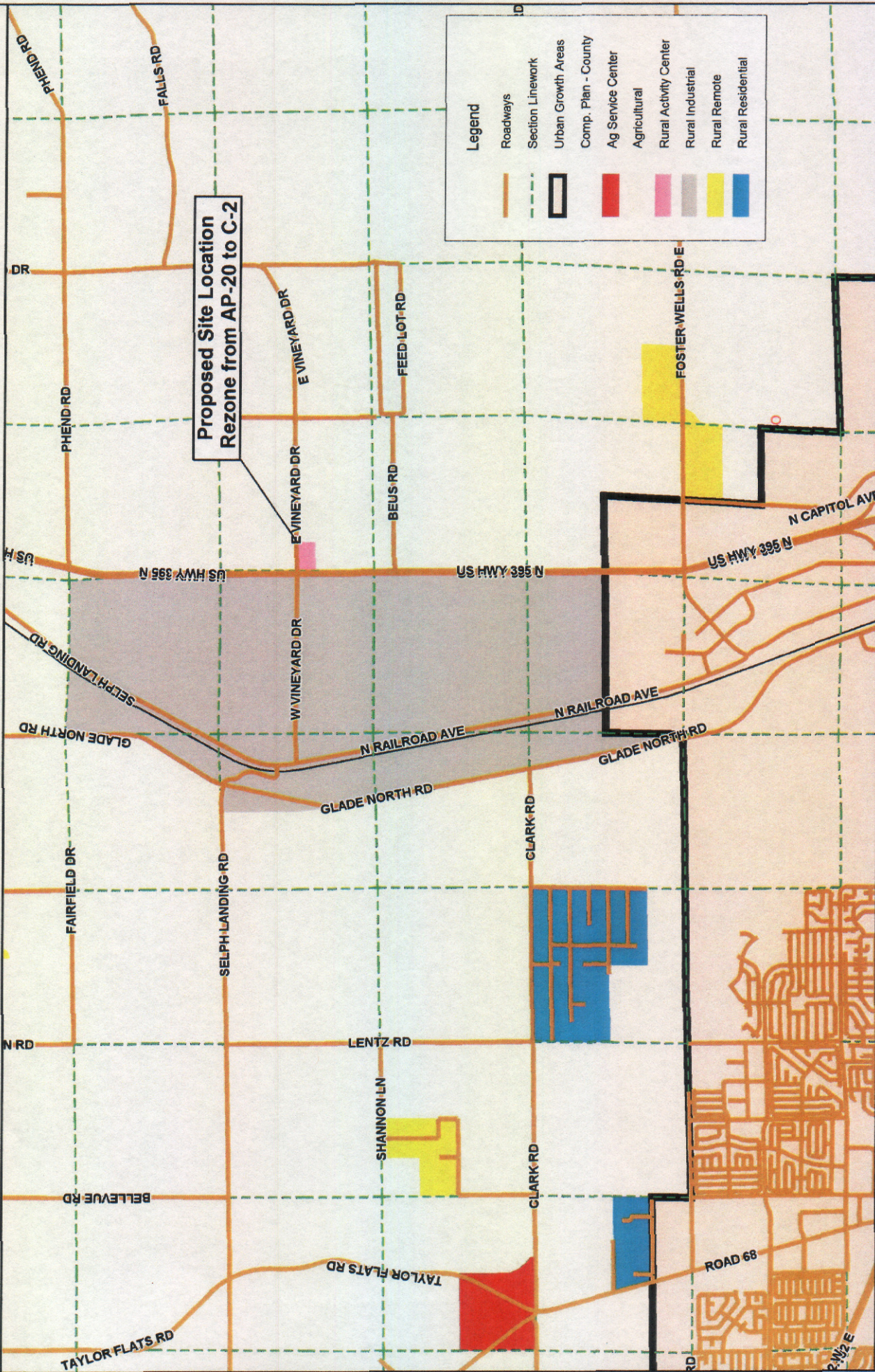
I certify the above information is accurate and complete.



Jerrod MacPherson – Director of Planning and Building



## Franklin County Comprehensive Plan - Land Use Designations



# **ZC 2012 -02 - AP-20 to C-2 - Preston**

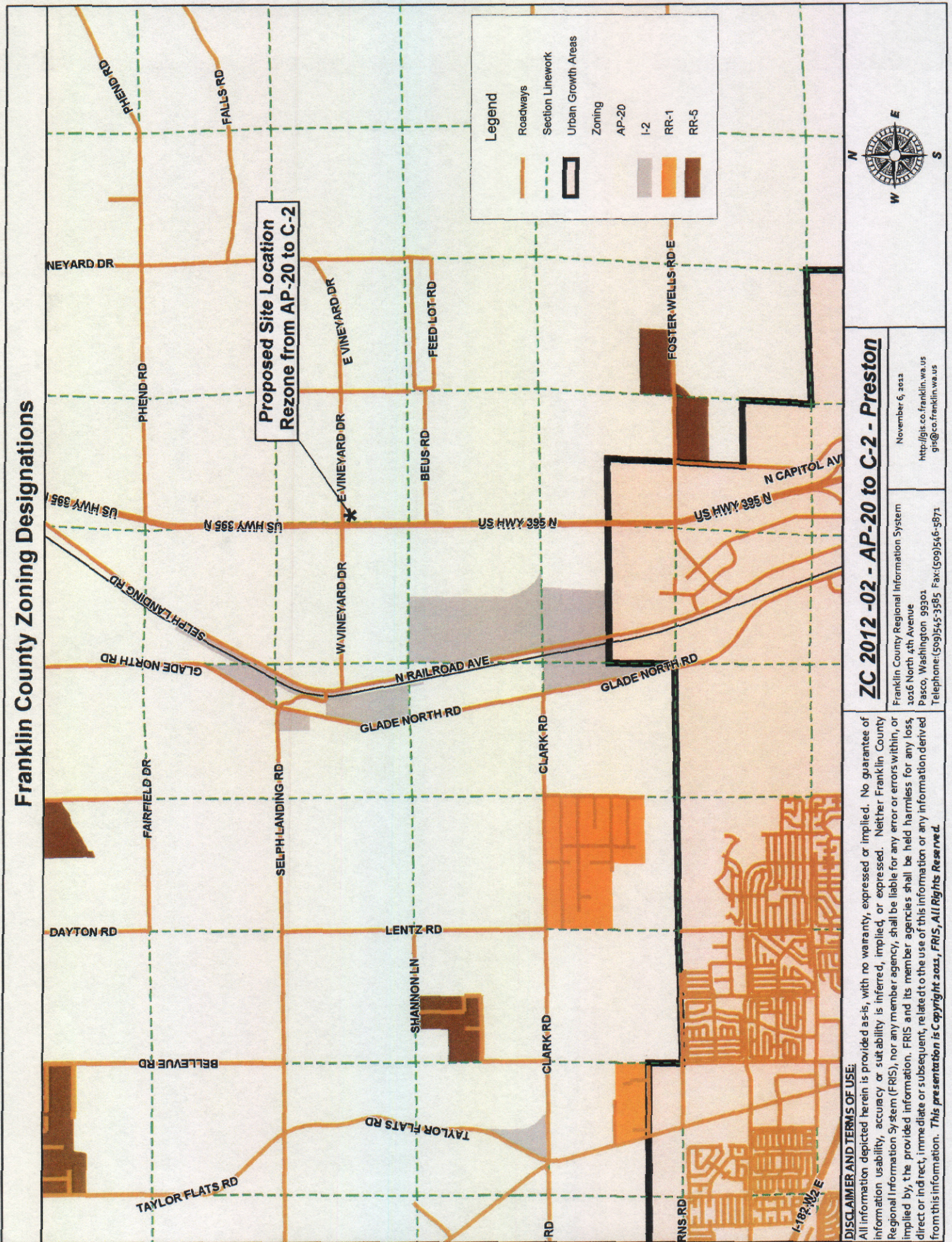
November 6, 2012  
<http://gis.co.franklin.wa.us>  
[gis@co.franklin.wa.us](mailto:gis@co.franklin.wa.us)

Franklin County Regional Information System  
 1016 North 4th Avenue  
 Pasco, Washington 99301  
 Telephone: (509)545-3585 Fax: (509)546-5871

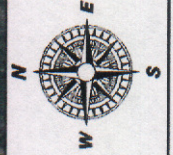
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## Franklin County Zoning Designations







# **ZC 2012 -02 - AP-20 to C-2 - Preston**

November 6, 2012

<http://gis.co.franklin.wa.us>  
gis@co.franklin.wa.us

Franklin County Regional Information System  
1016 North 4th Avenue  
Pasco, Washington 99301  
Telephone: (509)546-3585 Fax: (509)546-5871

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**Washington State  
Department of Transportation****Paula J. Hammond, P.E.**  
Secretary of Transportation**South Central Region**  
2809 Rudkin Road, Union Gap  
P.O. Box 12560  
Yakima, WA 98909-2560  
509-577-1600  
TTY: 1-800-833-6388  
www.wsdot.wa.gov

October 8, 2012

Franklin County Planning Department  
1016 North 4<sup>th</sup> Avenue  
Pasco, WA 99301-3706**RECEIVED****OCT 11 2012****FRANKLIN COUNTY  
PLANNING DEPARTMENT**

Attention: Greg Wendt, Assistant Planning and Building Director


Subject: ZC-2012-02  
SR 395, milepost 27.64 / E. Vineyard Drive

We have reviewed the proposed project and have the following comments.

- The subject property is adjacent to U.S. Highway 395 (US 395), a partially-controlled limited access facility with a posted speed limit of 70 miles per hour. WSDOT has acquired all access rights to the highway including 250 feet easterly along East Vineyard Drive. No direct access to US 395 will be allowed.
- It is important to note, the applicant has entered a ground lease agreement with WSDOT (I.C. No. 5-11-04348) for the maneuvering of farm equipment. This change in use requires the ground lease to be revised by WSDOT. Prior to CPA approval, the proponent must contact Stewart Reif, Property Management Supervisor, to amend the existing lease. He can be reached at (509) 577-1661.
- The proponent should be aware they are developing in an area with traffic noise. They should also expect that noise may continue to grow into the future, and, US 395 may need to be expanded to accommodate future traffic growth. It is the responsibility of the developer to dampen or deflect any traffic noise.
- Any proposed lighting should be directed down towards the site and away from US 395.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact Rick Holmstrom at (509) 577-1633.

Sincerely,

  
Paul Gonseth, P.E.  
Planning & Materials Engineer

PG: rh/jjp

cc: File #2, SR 395  
Tom Lenberg, Area 3 Maintenance Superintendent  
Stewart Reif, Real Estate Services

**ORDINANCE NUMBER # 4-2012**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON:**

**IN THE MATTER OF COUNTY PLANNING** – to change the zoning classification on approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2).

**APPLICANT:** Brent Preston, 502 E. Vineyard Drive, Pasco, WA 99301.

**WHEREAS**, on November 28, 2012, the Clerk of the Board did set this date for a public meeting to consider the positive recommendation of the Franklin County Planning Commission to change the zoning classification on approximately 14 acres of land, and

**WHEREAS**, at the public meeting the Board has found as follows:

The County Planning Commission, after public hearing and consideration on **ZC 2012-02** did recommend approval of said rezone (see attached map), with the following findings of fact:

1. The application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2) **IS** in accordance with the goals and policies of the Comprehensive Plan.
  - a. This is a zone change application to rezone approximately 14 acres of land from Agricultural Production 20 (AP-20) to Rural Service Commercial (C-2).
  - b. The County Comprehensive Plan designates this land as being a Rural Activity Center (East Vineyard Drive/SR 395 Area). A Rural Activity Center normally permits activities that focus on business/commercial related activities and excludes industrial and residential activities. A rezone to C-2 is consistent with County Comprehensive Plan designation.
  - c. The East Vineyard Drive/SR 395 Rural Activity Center was established in the Comprehensive Plan in 2012 (CPA 2012-01).
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. The rezone application will not damage or be harmful to the immediate vicinity.
  - b. A rezone from AP-20 to C-2 is consistent with the Comprehensive Plan and is compatible with surrounding uses such as the winery use to the east and industrial comprehensive land use designation to the west.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. The rezone from a AP-20 to C-2 will further the implementation of the County Comprehensive Plan (Rural Activity Center).

**ORDINANCE NUMBER # 4-2012****Zone Change 2012-02****Page 2**

4. Conditions **ARE** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. All future development at the site shall comply with County Development Regulations (including Zoning and Subdivision).
  - b. All future development at this site shall comply local, state, and federal agency standards and ensure appropriate access and health issues are sufficiently addressed.
  - c. All future development at the site shall comply with Washington State Department of Transportation standards (see Case File for letter dated October 8, 2012).
5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.

**WHEREAS**, it appears to be in the public use and interest to approve said zone change.

**NOW, THEREFORE, BE IT ORDAINED** that the 14 acres (approximate) of land be rezoned from AP-20 to C-2 as described above and as depicted on the attached map.

**SIGNED AND DATED THIS 28<sup>th</sup> DAY OF NOVEMBER 2012.**

**BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON**

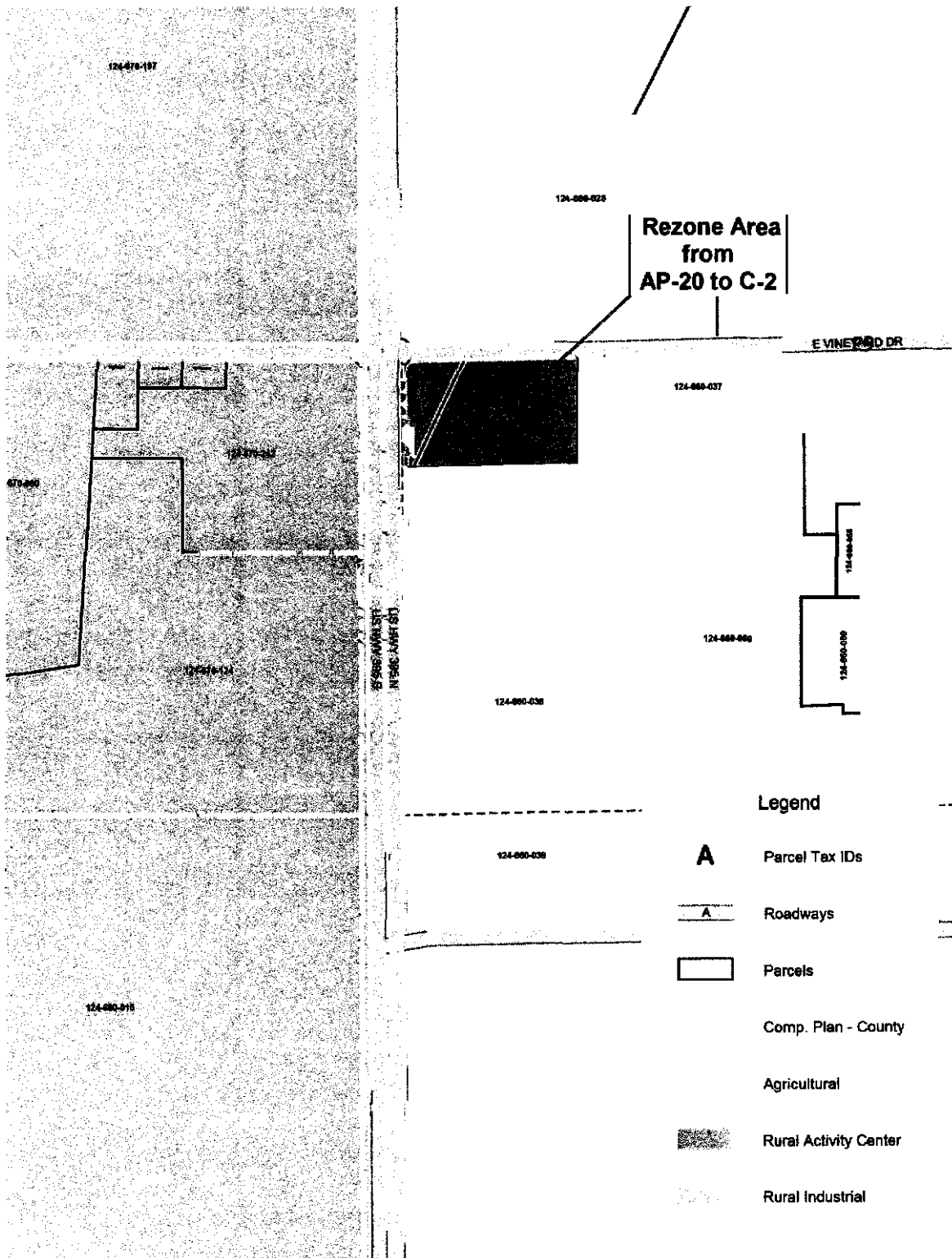
  
**CHAIRMAN**

  
**CHAIR PRO TEM**

**ATTEST:**

  
**CLERK OF THE BOARD**

  
**MEMBER**

**ORDINANCE NUMBER # 4-2012****Zone Change 2012-02****Page 3****A rezone from AP-20 to C-2****(Portions of Parcel Number(s) 124-660-039 and 124-660-037)**

**Franklin County**  
**Board of Commissioners**  
**Agenda Summary Report**

**DATE:** November 20, 2012**PRESENTED BY:** Jerrod MacPherson

**ITEM:** (Select One)    ☐ Consent Agenda.  
                                 ☒ To Be Brought Before the Board.    Date: November 28, 2012  
                                 Time needed: 15 minutes

**SUBJECT / ISSUE:** CUP 2012-09, a Conditional Use Permit (CUP) application to construct and operate a fire station in the AP-20 Zoning District.

**ACTION(S) REQUESTED:**

Review the Planning Commission Recommendation in a Public Meeting; Pass a motion; and Pass a Resolution.

**BACKGROUND:**

This is a Conditional Use Permit (CUP) application to construct a 40' x 50' (approximate) truck storage building to be used by Fire District #4 for fire station (emergency vehicles) purposes. Fire District #4 plans to store two brush trucks and one pumper truck at this time.

The property is located in the Agricultural Production 20 (AP-20) Zoning District and is near the northeast intersection of Hendricks Road and Sagehill Road along the east side of Sagehill Road (Parcel Number 120-270-091).

**Public Testimony and Discussions:**

Phone and/or In-Office Discussions: Planning Staff did not receive any phone calls or in office inquiries regarding this application.

Open Record Hearing Testimony:

*-In support of application:* Two (2) members of FD #4 spoke in support of the application.

*-Opposed to application:* No public spoke against the application.

*- Clarification only:* None.

Planning Commission Voting/Discussion: Positive recommendation with 6 in favor; 0 against.

**Summary:** At the regularly scheduled Planning Commission hearing on November 6, 2012 the Franklin County Planning Commission voted to forward a positive recommendation for this application to the Board of County Commissioners subject to the following six (6) findings of fact and eight (8) conditions of approval:

**Finding of Fact:**

1. The operation of a fire station at this site in the AP-20 Zoning District **IS** in accordance with the goals and policies of the County Development Regulations (Zoning) and the County Comprehensive Plan.
  - a. The siting of fire station services at this location is in compliance with the County Comprehensive Plan.
  - b. The property is zoned AP-20. The approval of a Conditional Use Permit is required for community service related facilities including fire stations.
2. The proposal **WILL NOT** adversely affect public infrastructure.
  - a. The site has frontage on an arterial county road known as Sagehill Road.

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3. The proposal **WILL BE** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
  - a. The existing and intended character of the immediate area is Agricultural. The fire station will be constructed to provide service to this agricultural area. The proposed use is consistent with the surrounding activities and uses.
4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
  - a. The location of the proposed operation will assist and is a benefit in encouraging new agricultural development in the rural area.
5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
  - a. The AP-20 Zone allows for a wide range of activities that may produce noise, fumes, vibrations, dust, traffic and flashing lights. The proposed use is consistent with the activities allowed as a permitted use in the AP-20 Zoning District.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
  - a. Operations at the site are to be in compliance with the standards and requirements of the United States Bureau of Reclamation and the Benton Franklin Health Department at all times.

**Conditions of Approval:**

1. This is a Conditional Use Permit (CUP) application to operate fire and emergency services in the AP-20 Zoning District at site address 141 Second Foot Road.

The application is to construct a 40' x 50' (approximate) truck storage building to be used by Fire District #4 for fire station (emergency vehicles) purposes. Fire District #4 plans to store two brush trucks and one pumper truck at this time.

The property is located in the Agricultural Production 20 (AP-20) Zoning District and is near the northeast intersection of Hendricks Road and Sagehill Road along the east side of Sagehill Road (Parcel Number 120-270-091).
2. The following may be required by the County Planning and Building Department when new construction is to occur at the site
  - a. New construction at the site shall comply with setback standards. Coordination with the Planning and Building Department shall occur as the official site/plot plan for building permit submittal is developed to ensure the building meets setbacks.
  - b. A completed building permit application is required.
  - c. One complete building plan with foundation plans and WA State Engineering.
  - d. Provide a plot plan for this site.
  - e. Provide a current Access permit from the Franklin County Public Works office.
  - f. If any plumbing is to be installed provide a septic permit from the Benton Franklin District Health Dept. and a well log or Water Availability notification.

**Page 3**  
**Agenda Summary Report**

3. **County Public Works:** Approach permits are required for any new approaches onto County Roads.
4. **Fire Code Official:**
  - a. Property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.
  - b. The proposed use, occupancy, and associated classification(s) shall meet the currently adopted Building Codes, Fire Codes and Fire Life Safety codes in effect and as adopted by Franklin County. This will also include obtaining an access approach and complying with access approach requirements and Fire Access Lane requirements for this structure from the Road.
5. Any discontinuance or abandonment of the approved use for a period of (1) year shall null and void this CUP approval.
6. If the land owner chooses in the future to transfer this approval to any other corporation or entity, the Planning Department shall be notified of this change. All conditions and requirements will continue for the new owner/applicant.
7. 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.
8. This permit applies to the described lands and shall be for the above named individual and/or his heirs and or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.

**COORDINATION:**

N/A

**RECOMMENDATION:**

The County Planning Commission recommends the Board of Commissioners approve CUP 2012-09 with the following motion:

**Motion:**

Grant approval of CUP-2012-09, subject to the six (6) findings of fact and eight (8) conditions of approval.


**HANDLING / ROUTING:**

N/A

**ATTACHMENTS:**

Two (2) exhibits are attached for consideration: 1) A detailed aerial overlay map and site plan of the parcel and project in question; and 2) A copy of the lease agreement between Fire District # 4 and the United States Bureau of Reclamation.

I certify the above information is accurate and complete.



Jerrod MacPherson – Director of Planning and Building



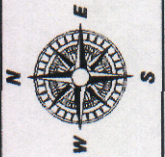
**DISCLAIMER AND TERMS OF USE:**

All information depicted herein is provided as-is, with no warranty, expressed or implied. No guarantee of information usability, accuracy or suitability is inferred, implied, or expressed. Neither Franklin County Regional Information System (FRIS), nor any member agency, shall be liable for any error or errors within, or implied by, the provided information. FRIS and its member agencies shall be held harmless for any loss, direct or indirect, immediate or subsequent, related to the use of this information or any information derived from this information. ***This presentation is Copyright 2012, FRIS, All Rights Reserved.***

**CUP 2012 -09 - Fire District # 4**

Franklin County Regional Information System  
1016 North 4th Avenue  
Pasco, Washington 99301  
Telephone: (509)545-3585 Fax: (509)546-5871

November 6, 2012  
<http://gis.co.franklin.wa.us>  
[gis@co.franklin.wa.us](mailto:gis@co.franklin.wa.us)





November 28, 2012



United States Department of the Interior  
BUREAU OF RECLAMATION

Ephrata Field Office

P.O. Box 815

Ephrata, Washington 98823

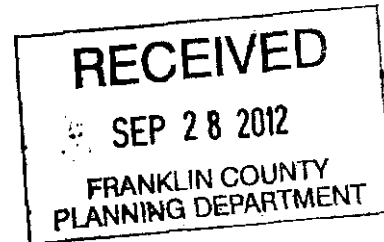
SEP 14 2012



IN REPLY REFER TO:

EPH-2235

LND-6.00(SCBID)



Mr. Doug Smith, FCFD 4 Commissioner  
Franklin County Fire District No. 4  
601 Stricker Rd.  
Othello, WA 99344

Subject: 10 Year License for Explanation of Fire Station Located in Section 27, Township 14  
North, Range 29 East, Willamette Meridian, Columbia Basin Project, Franklin County,  
Washington

Dear Mr. Smith:

Enclosed is your copy of the 10 Year License (License) for the operation and maintenance of the  
Fire Station at the Wahluke Operation and Maintenance Site you requested. If you have  
questions concerning this matter, please contact Mrs. Karen J. Honey, Realty Specialist, at  
509-754-0221.

Sincerely,

Stephanie Utter  
Ephrata Field Office Manager

Enclosure

cc: South Columbia Basin Irrigation District  
P.O. Box 1006  
Pasco, WA 99301

RETURN TO:  
Bureau of Reclamation  
Attn: Ms. Karen Honey  
P.O. Box 815  
Ephrata, WA 98823

Contract No. 12-07-16-L4977  
Tract No. 18967  
Section 27, T.14 N., R.29 E., W.M.  
Franklin County Tax Parcel No. 120-027-091

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
Columbia Basin Project  
Ephrata, Washington**

**10-YEAR LICENSE**

**THIS LICENSE**, made this 12 day of September, 2012, pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. §391), the Reclamation Act of August 30, 1935 (49 Stat. 1028, 1039; 33 U.S.C. §540), Section 10 of the Reclamation Project Act of 1939 (53 Stat. 1187, 43 U.S.C. §485), as amended by the Act of August 18, 1950 (64 Stat. 463; 43 U.S.C. §387), the Columbia Basin Project Act of 1943 (57 Stat. 14; 16 U.S.C. §835), all of which acts are commonly known and referred to as the Federal Reclamation Laws, including without limitation by this enumeration all acts amendatory thereof or supplementary thereto, between the **UNITED STATES OF AMERICA**, hereinafter referred to as the United States, acting by and through the Bureau of Reclamation, Department of the Interior, hereinafter referred to as Reclamation, and **Franklin County Fire District No. 4**, a municipal corporation of the State of Washington hereinafter referred to as the "Fire District".

**WITNESS, THAT:**

**WHEREAS**, in connection with the construction, operation, and maintenance of the Columbia Basin Project, hereinafter referred to as the Project, the United States, through the Department of the Interior, Bureau of Reclamation, has pursuant to Federal Reclamation Laws, acquired certain land rights in Franklin County by Deed from Herbert R. Kuhn, dated October 24 1952, under Contract Number I36r-6581, and has constructed or owns irrigation and related works, known as the Wahluke Operations and Maintenance Site; and

**WHEREAS**, the Wahluke Operations and Maintenance Site, hereinafter referred to as the Project Facility, is located within a portion of land in Section Twenty-seven (27), Township Fourteen (14) North, Range Twenty-nine (29) East, Willamette Meridian, Franklin County, Washington operated and maintained by the South Columbia Basin Irrigation District, hereinafter referred to as the District, under a repayment contract with the United States; and

**WHEREAS**, the Fire District desire to utilize a portion of such land for a fire station site and related purposes; and

**WHEREAS**, the use of the land for the purposes described herein, under the terms and conditions hereof, will not be inconsistent with the requirements of the Project.

**NOW, THEREFORE**, in consideration of the mutual covenants and stipulations hereinafter stated, the parties hereto do mutually agree as follows:

1. **Definitions**: The following terms, whenever used in this license, shall have the respective meanings:

a. "Land" shall mean those lands owned by the United States or interests in land held by the United States which are described more fully in Article 2.

(i) "Land owned by the United States" shall mean any land wherein the United States has or may hereafter acquire fee title ownership, or has been withdrawn from Public Domain, for the development of the Project.

(ii) "Interests in land held by the United States" shall mean any partial interest in land the United States has acquired for rights-of-way and easements, including those rights reserved under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. §945).

b. "Project" refers to the Columbia Basin Project.

c. "Project facilities" shall mean any canal, ditch, lateral, sublateral, drain, spillway, wasteway, siphon, pipeline, roadway, electrical transmission line, communication structure, stream gaging station, substation, switchyard, powerplant, fish ladder, fish screen, and any other appurtenant irrigation and power structures or facilities, or combination thereof, built or to be built as part of the Project.

d. "Third Party" includes any person or private or public entity not a party to this license.

2. **License** The United States hereby agrees to license and consent to the use of certain land to the Fire District, its agents, employees and assigns, for the purpose of constructing and maintaining two buildings to house firefighting vehicles and equipment used for fire suppression, subject to the terms and conditions of this license, pursuant to the Reclamation Project Act of 1939, Section 10b, as amended by the Act of August 18, 1950. The rights and privileges of this license are nonexclusive. The land is situated in the County of Franklin, State of Washington, which and more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

3. **Payments by Fire District** In consideration of Subpart F, Section 429.26(a) and the proposed use, all fees, including application, administrative and land use fees are hereby waived.

4. **Term of License** This license for the premises described shall be for the period of Ten (10) years, commencing from the date this original contract is executed on behalf of the United States. At the end of such period, if Fire District has complied with all of the terms and conditions of this license, the license may be renewed as provided in 43 CFR § 429.10.

5. **Subject to Permits Required by Third Parties** The rights granted by this license are nonexclusive and are subject to all existing valid rights previously acquired by third parties, which include any person or private or public entity not a party to this license.

6. **Conditions of Use** Fire District agrees to adhere to the following terms and conditions:

a. Fire District shall use said Land for the purposes stated herein and in the use of said Land to conduct their operation in a good and workmanlike manner, and in full compliance with all

local and State laws and with all laws, regulations, and orders of the United States affecting such operations.

b. Fire District shall not construct any other improvements or facilities upon, over, under, or across the Land covered in this License or the adjacent Land of the United States in addition to a second building as described in Exhibit "C" without written approval of Reclamation.

c. Fire District shall use the land in such a manner as not to interfere with the United States, or with the administration of adjacent Land or right-of-way owned by the United States, and shall have the property clearly marked in order to reduce the chances of encroachment upon public property and potential for damage to habitat which may exist on public property.

d. If the construction, operation, or maintenance of any or all of such structures and facilities across, over, under, or upon said land should be made more expensive by reason of the existence of improvements or works of Fire District thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto. Within thirty (30) days after demand is made upon Fire District for payment of any such sums, Fire District will make payment thereof to the United States, or to any of its employees, agents and assigns constructing, operating, and maintaining such structures and facilities across, over, under, and upon said lands. As an alternative to payment, Fire District, at their sole cost and expense and within time limits established by the United States, may remove or adapt facilities constructed and operated by them on said land to accommodate the aforementioned structures and facilities of the United States. Fire District shall bear the cost to the United States of any costs occasioned by the failure of Fire District to remove or adapt their facilities within the time limits specified.

e. A contaminant survey was conducted by the United States on the licensed area on July 12, 2012, and no contaminants were observed. Immediately prior to termination of this License, a second contaminant survey will be performed by the United States. Fire District will be responsible for cleanup and disposal, in a manner satisfactory to Reclamation, of any hazardous materials such as oil, hydraulic fluid, gasoline, diesel fuel, etc., identified in said second survey.

#### **7. Indemnification and Hold Harmless**

a. Fire District agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care, operation, maintenance, supervision, examination, inspection, or other activities of Fire District.

b. Fire District's obligation to indemnify and hold harmless the United States, the District, their employees, agents, and assigns shall survive the termination or expiration of this license and shall remain in full force and effect until fully satisfied.

#### **8. Hazardous Materials** Fire District hereby agrees to comply with the following hazardous materials related provisions:

a. Fire District may not allow contamination or pollution of Federal land, waters, or facilities and for which Fire District has the responsibility for care, operation, and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

b. Fire District shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and directives and standards, existing or hereafter enacted or

promulgated, concerning any hazardous material that will be used, produced, transported, stored, or disposed of on or in Federal land, waters, or facilities.

c. "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

d. Upon discovery of any event which may or does result in contamination or pollution of Federal land, water, or facilities, Fire District shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery with full details of the actions taken to Reclamation. Reporting may be within a reasonable time period. A reasonable period means within twenty-four (24) hours of the time of the discovery if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

e. Violation of any of the provisions of this Article, as determined by the Contracting Officer, may constitute grounds for termination of this license. Such violations require immediate corrective action by Fire District and shall make Fire District liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

f. Fire District agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract in may enter into pursuant to this license.

g. Reclamation agrees to provide information necessary for Fire District, using reasonable diligence, to comply with the provisions of this Article.

**9. Discovery of Cultural Resources** Fire District shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic, or scientific interest on Reclamation land. Fire District shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as a result of activities under this authorization. Fire District shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery, and wait for written approval from the authorized official before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of Fire District.

**10. Pest Control** Fire District hereby agrees to comply with the following pest control related provisions:

a. Fire District shall not permit the use of any pesticides on Federal land without prior written approval by Reclamation. Fire District shall submit to Reclamation for approval an Integrated Pest Management Plan thirty (30) days in advance of pesticide application.

b. All pesticides used shall be in accordance with the current registration, label direction, or other directives regulating their use (Washington State Department of Agriculture, Washington State Department of Ecology, Occupational Safety and Health Administration, etc.) and with applicable Reclamation policy and directives and standards. Applicators will meet applicable training or licensing requirements. Records maintenance shall be in accordance with State requirements and such records shall be furnished to Reclamation not later than five (5) working days after any application of a pesticide.

c. Any equipment, tools, and machines used for pesticide application shall be in good repair and suitable for such use. Equipment shall be calibrated prior to the spraying season and as deemed necessary by Reclamation.

d. Mixing, disposal, and cleaning shall be done where pesticide residues cannot enter storm drains, sewers, or other non-target areas.

e. Fire District shall initiate any necessary measures for containment and cleanup of pesticide spills. Spills shall be reported to Reclamation with full details of the actions taken. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the spill if it is an emergency or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

f. Aerial application of pesticides is prohibited without prior written consent by Reclamation.

g. Fire District agrees to include the provisions contained paragraphs (a) through (f) of this Article in any subcontract or third-party contract it may enter into pursuant to this license.

**11. CLEAN AIR AND WATER** During the performance of this License, Fire District agrees as follows:

a. To comply with all the requirements of Section 114 of the Clean Air Act, as amended (42 USC 7401 et seq.), and Section 308 of the Federal Water Pollution Control Act, as amended (33 USC 1251 et seq.), respectively, relating to inspection, monitoring, entry, reports and information, as well as other requirements specified in Section 114 and Section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the execution of this License.

b. To insert the substance of the provisions of this Article into any nonexempt sub-license, including this paragraph (a)(2).

c. The terms used in this article have the following meanings:

(i) The term "Air Act" means the Clean Air Act, as amended  
(42 USC 7401 et seq.)

(ii) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 USC 1251 et seq.).

(iii) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in Section 110(d) of the Clean Air Act (42 USC 7401[d]), an approved implementation procedure or plan under Section 111(c) or Section 111(d), respectively, of the Air Act (42 USC 7411[c][d]), or an approved implementation procedure under Section 112(d) of the Air Act (42 USC 7412[d]).

d. The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the EPA or by a State under an approved program, as authorized by Section 402 of the Water Act (33 USC 1342), or by local government to ensure compliance with pretreatment regulations as required by Section 307 of the Water Act (33 USC 1317).

e. The term "comply" means compliance with clean air or water standards. Comply shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, EPA or an air or water pollution control agency in accordance with the requirements of the Air Act or Water Act and regulations issued pursuant thereto.

**12. Civil Rights** Fire District will comply with the following terms and conditions:

a. Title VI (Section 601) of the Civil Rights Act of July 2, 1964 (78 Stat.241) which provides that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity receiving Federal financial assistance," and to be bound by the regulations of the Department of the Interior for the effectuation thereof, as set forth in 43 CFR § 17. The Lessee shall

obligate its subcontractors, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of these provisions.

b. Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended, which is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Lessee shall obligate its subcontractors, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of these provisions.

c. The Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 et seq., and the general age discrimination regulations at 45 CFR § 90 which are designed to prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance, as set forth in 43 CFR § 17. The Lessee shall obligate its subcontractors, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of these provisions.

**13. Termination** At termination of this license, either due to expiration by term or by other conditions set forth below, Fire District will quietly deliver to the United States possession of the premises in a like condition as when taken, including the removal of all Fire District facilities and improvements, reasonable wear and damage by the elements excluded at no cost to the United States or the District.

a. Ten (10) years from the expiration date this contract is signed on behalf of the United States.

b. As provided in Article 8.e..

c. The United States, acting through Reclamation, Department of the Interior, reserves the right for Reclamation to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for termination of the license or other damage to Fire District's activities or facilities.

d. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.

e. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization for activities other than existing authorized private exclusive recreational or residential use as defined under 43 CFR § 429.2 if Reclamation determines that any of the following apply:

(i) The use has become incompatible with authorized Project purposes, Project operations, safety, and security;

(ii) A higher public use is identified through a public process described at 43 CFR § 429.32(a)(1); or

(iii) Termination is necessary for operational needs of the Project.

f. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if Reclamation determines that the grantee has failed to use the use authorization for its intended purpose. Further, failure to construct within the timeframe specified in the terms of the use authorization may constitute a presumption of abandonment of the requested use and cause termination of the use authorization.

g. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if the grantee fails to comply with all applicable Federal, State, District, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations, or to perform the contractual obligations Fire District has agreed to perform herein for the benefit of Reclamation or the District.



h. At the option of Reclamation upon discontinuance by Fire District of the use of the land covered by this license for the purposes herein stated for a period of twelve (12) consecutive months.

i. At the option of Reclamation and pending field clearance of hazardous material impacts, Fire District may terminate the license by giving six (6) months written notice to the United States.

j. At the option of Reclamation if the United States should transfer its land interest to those areas affected by this license, the United States may terminate this license by giving six (6) months written notice to Fire District.

**14. Notices** Notices will be served by mail addressed to the respective street address or post office address given as set forth below and the mailing of any such notice properly enclosed, addressed, and stamped, will be considered service.

Fire District  
601 Stricker Rd.  
Othello, WA 99344  
509-488-3268

Ephrata Field Office Manager  
P.O. Box 813  
Ephrata, WA 98823  
509-754-0200

**15. Removal of Structures** Upon the expiration, termination, or revocation of this license, Fire District shall remove all structures, equipment, or other improvements made by it from the premises at no cost to the United States. Upon failure to remove any such improvements within sixty (60) days of expiration, termination, or revocation, any remaining improvements shall, at the option of the United States, be removed or become the property of the United States. Fire District shall pay all expenses of the United States, or its assigns, related to removal of such improvements.

**16. Amendments, Assignment, or Transfer** No amendments, assignment or transfer of this license or Fire District's rights hereunder or any part or interest therein shall be valid without the written consent by Reclamation. The form of amendment, assignment or transfer to be used shall be approved by Reclamation.

**17. Captions** Captions to the preceding sections of this license have been made for the convenience of the parties and shall not be used for purposes of construction or interpretation of this license.

**18. Covenant Against Contingent Fees** Fire District warrants that no person or agency has been employed or retained to solicit or secure this license upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established agencies maintained by Fire District for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this license without liability or in its discretion to require Fire District to pay, in addition to the License price or consideration, the full amount of such commission percentage, brokerage, or contingent fee.

**19. Officials Not to Benefit** No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

20. **Severability** Each provision of this license shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this license shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the license as a whole.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names as of the date first above written.

FRANKLIN COUNTY FIRE DISTRICT NO.  
4 FIRE DISTRICT, a political subdivision of the  
State of Washington

By: Doug Smith, Commissioner

THE UNITED STATES OF AMERICA

By: Stephanie Utter, Ephrata Field Office  
Manager, Bureau of Reclamation

#### ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) ss  
County of Franklin )

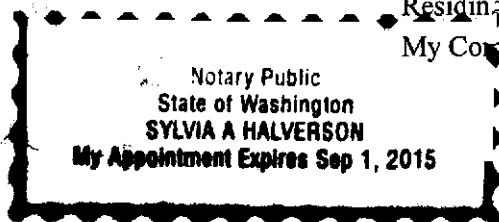
On this 6 day of Sept, 2012, personally appeared before me **Doug Smith**, to me known to be the official of Franklin County Fire District No. 4, a political subdivision of the State of Washington, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Franklin County Fire District No. 4, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal the day and year first above written.

*Sylvia A Halverson*  
Notary Public in and for the State of Washington  
Residing at:

My Commission expires:

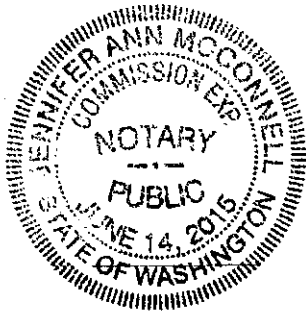
*Pasco, WA*  
*Sept 1, 2015*



STATE OF WASHINGTON     )  
                                      ) ss  
County of Grant            )

On this day personally appeared before me, the undersigned Notary, Stephanie Utter known to me to be the official of **THE UNITED STATES OF AMERICA**, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal on this 12<sup>th</sup> day of September, 2012.



Stephanie Utter  
Notary Public, State of Washington  
Residing at Ephrata  
My Commission expires: 6/14/15

Exhibit A  
United States Bureau of Reclamation  
Franklin County Fire District Number 4  
10 year License  
Tract # 18967  
Contract # 12-07-16-L4977

All that portion of the West 165 feet of the Southwest quarter of the Northwest quarter of of Section Twenty-seven (27), Township Fourteen (14) North, Range Twenty-nine (29) East, Willamette Meridian, lying East of a county road known as "Sagehill Road" right-of-way and Northeasterly of the newly defined road known as "Second Foot Road" right-of-way".

TRACT 18967 = 0.3± Acres

Total Area = 0.3± Acres

---

Date: June 28, 2012

R:\WA-Columbia-Basin\Legals\Text\_Descriptions\Tract\_18967\_FranklinCoLic.doc

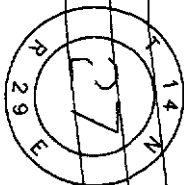
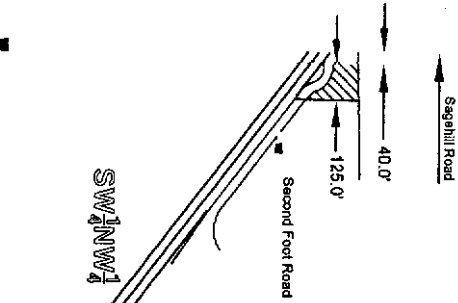
21 v 22  
28 a 27

EXHIBIT B

22  
27

NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 

TRACT 18967  
Total Area = 0.3± Acres  
Contract #12-07-16-L4977



WAHLIKE BRANCH CANAL

Land lying in the Southwest quarter of the Northwest quarter(SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of said Section Twenty-seven (27), Township Fourteen (14) North, Range Twenty-nine (29) East, Willamette Meridian, Franklin County, Washington

**Franklin County**  
**Board of Commissioners**  
**Agenda Summary Report**

**DATE:** November 20, 2012**PRESENTED BY:** Jerrod MacPherson**ITEM:** (Select One)☐ Consent Agenda.☒ To Be Brought Before the Board. Date: November 28, 2012Time needed: 15 minutes

**SUBJECT / ISSUE:** SH 2012-01, a Shoreline Substation Development Permit- Conditional Use Permit application to perform maintenance dredging at the LD Commodities terminal on the Snake River.

**ACTION(S) REQUESTED:**

Review the Planning Commission Recommendation in a Public Meeting; Pass a motion; and Pass a Resolution.

**BACKGROUND:**

This is a Shoreline Substantial Development Permit & Conditional Use Permit request to perform maintenance dredging at the LD Commodities terminal site on the Snake River.

The proposal is to remove approximately 40 cubic yards of rock from the Snake River near the LD Commodities barge loading area. The disposal of the rock will occur at an upland disposal area (50 to 75 feet off the shoreline) at the LD Commodities site.

The property is located along the Snake River, southwest of Wallace Walker Road along the south side of Burr Canyon Road near site address 5252 Burr Canyon Road (Parcel Number 555-915-858).

**Public Testimony and Discussions:**

Phone and/or In-Office Discussions: Planning Staff did not receive any phone calls or in office inquiries regarding this application.

Open Record Hearing Testimony:

*-In support of application:* No public spoke in support of the application.

*-Opposed to application:* No public spoke against the application.

*- Clarification only:* None.

Planning Commission Voting/Discussion: Positive recommendation with 6 in favor; 0 against.

**Summary:** At the regularly scheduled Planning Commission hearing on November 6, 2012 the Franklin County Planning Commission voted to forward a positive recommendation for this application to the Board of County Commissioners subject to the following six (6) findings of fact and seven (7) conditions of approval:

**Finding of Fact:**

1. The dredging project **IS** in accordance with the goals and policies of the County Development Regulations (Zoning), the County Comprehensive Plan, and the Shoreline Master Program.
  - a. The proposal is consistent with the Franklin County Development Regulations (Zoning).
  - b. The proposal is consistent with the intent of the Shoreline Master Program for the issuance of a Shoreline Permit.

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- c. The Shoreline Master Program, Table 2, Section II-19 Mining and Dredging describes the land use approval process for dredging activities in the Rural Environment designation area. A Conditional Use Permit is included as part of this approval process.
  - d. The dredging project is consistent with the goals and policies of the Shoreline Master Program.
  - e. A MDNS was issued during the SEPA Review.
- 2. The proposal **WILL NOT** adversely affect public infrastructure.
  - 3. The proposal **WILL BE** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
  - 4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
  - 5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
  - 6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
    - a. Applicant shall comply with the conservation measures and management recommendations included in the Critical Area-Fish and Wildlife Conservation Area Disciplinary Report (See Planning Case-file for report dated September 4, 2012).

**Conditions of Approval:**

- 1. This permit approval consists of a Shoreline Substation Development Permit & Conditional Use Permit to perform maintenance dredging at the LD Commodities terminal site on the Snake River. The property is located along the Snake River, southwest of Wallace Walker Road along the south side of Burr Canyon Road near site address 5252 Burr Canyon Road (Parcel Number 555-915-858).
- 2. Approval grants the applicant the ability to remove approximately 40 cubic yards of rock from the Snake River near the LD Commodities barge loading area. The disposal of the rock will occur at an upland disposal area (50 to 75 feet from the shoreline) at the LD Commodities site.
- 3. Applicant shall comply with the conservation measures and management recommendations included in the Critical Area Fish and Wildlife Conservation Area Disciplinary Report (See Planning Case-file for report dated September 4, 2012).
- 4. Applicant shall comply with all local, state and federal agency requirements included in the Mitigated Determination of Non-significance (MDNS) issued by Franklin County on October 5, 2012. Agencies and requirements include:
  - a. Franklin County- Critical Area Report Wildlife Habitat Management and Mitigation Plan and Shoreline Permit.
  - b. Department of Ecology - 401 Clean Water Act Certification – if applicable.
  - c. US Army Corp of Engineers - letter of permission (federal permit) and acquisition of a Section 10 Permit of the River and Harbors Act.

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- d. Washington State Fish and Wildlife - including JARPA compliance and acquisition of an HPA – Hydraulic Project Approval.
  - e. US Fish and Wildlife and National Marine Fisheries Service - Endangered Species Act consultation.
5. The applicant shall commence the use authorized in the Shoreline Substantial Development Permit **within 1 year** after the effective date of the permit issuance date, or the permit shall expire.
6. Nothing in this approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
7. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.

**COORDINATION:**

N/A

**RECOMMENDATION:**

The County Planning Commission recommends the Board of Commissioners approve SH 2012-01 with the following motion:

**Motion:**

Grant approval of SH-2012-01, subject to the six (6) findings of fact and seven (7) conditions of approval.

**HANDLING / ROUTING:**

N/A

**ATTACHMENTS:**

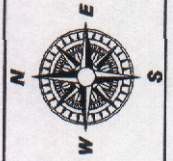
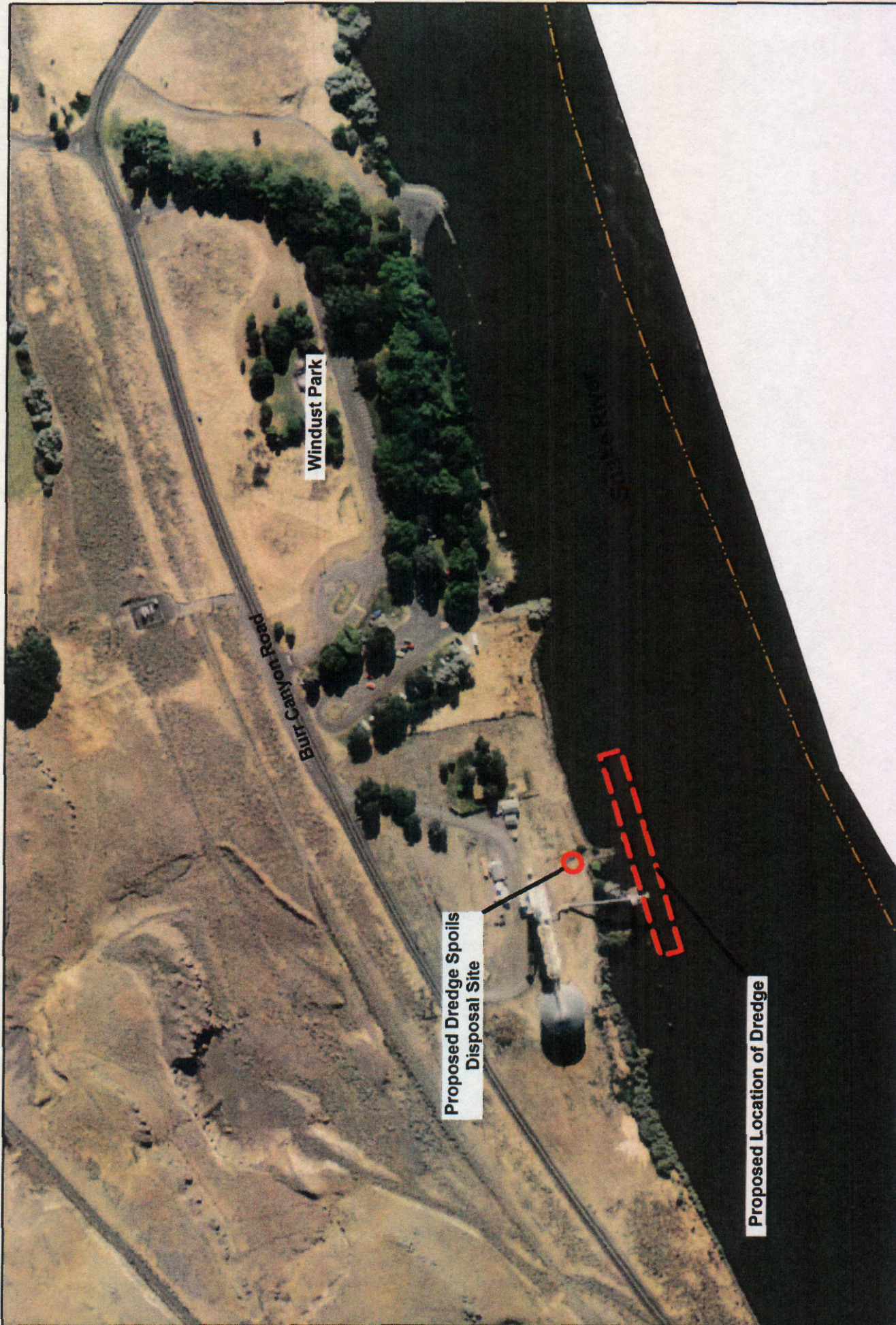
Three (3) exhibits are attached for consideration: 1) A detailed aerial overlay map and site plan of the property and proposed dredge project in question; 2) Cross sections of the proposed dredge; and 3) A riparian enhancement plan for mitigation of the proposed dredging project.

**\*\* A copy of the full Critical Area – Fish and Wildlife Conservation Area Disciplinary Report is available upon request \*\***

I certify the above information is accurate and complete.

  
Jerrod MacPherson – Director of Planning and Building





### SH 2012-01 - LD Commodities, LLC

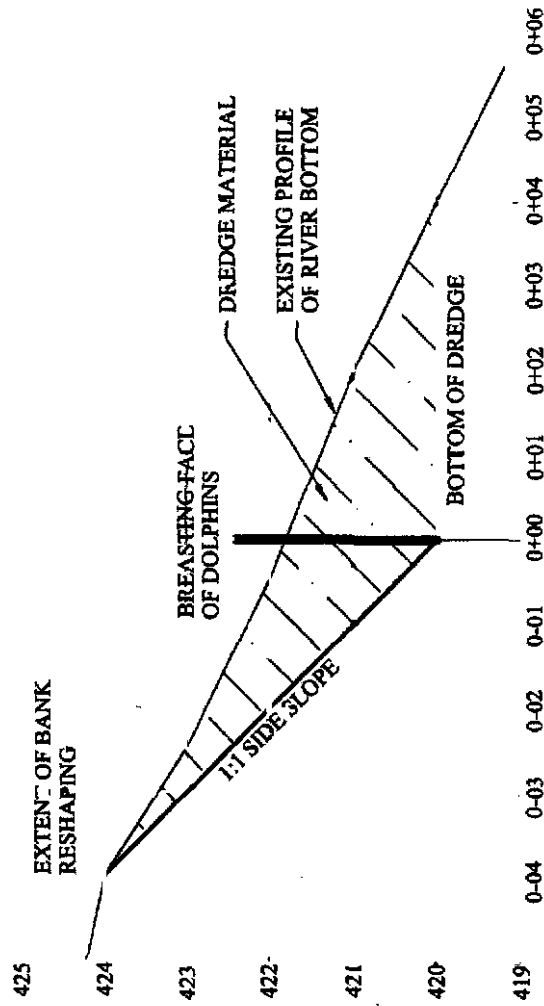
November 6, 2012  
<http://gis.co.franklin.wa.us>  
[git@co.franklin.wa.us](mailto:git@co.franklin.wa.us)

Franklin County Regional Information System  
 2016 North 4th Avenue  
 Pasco, Washington 99301  
 Telephone: (509) 545-3585 Fax: (509) 546-5871

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Figure 3: Dredge Section A



SCALE  
1" = 10'



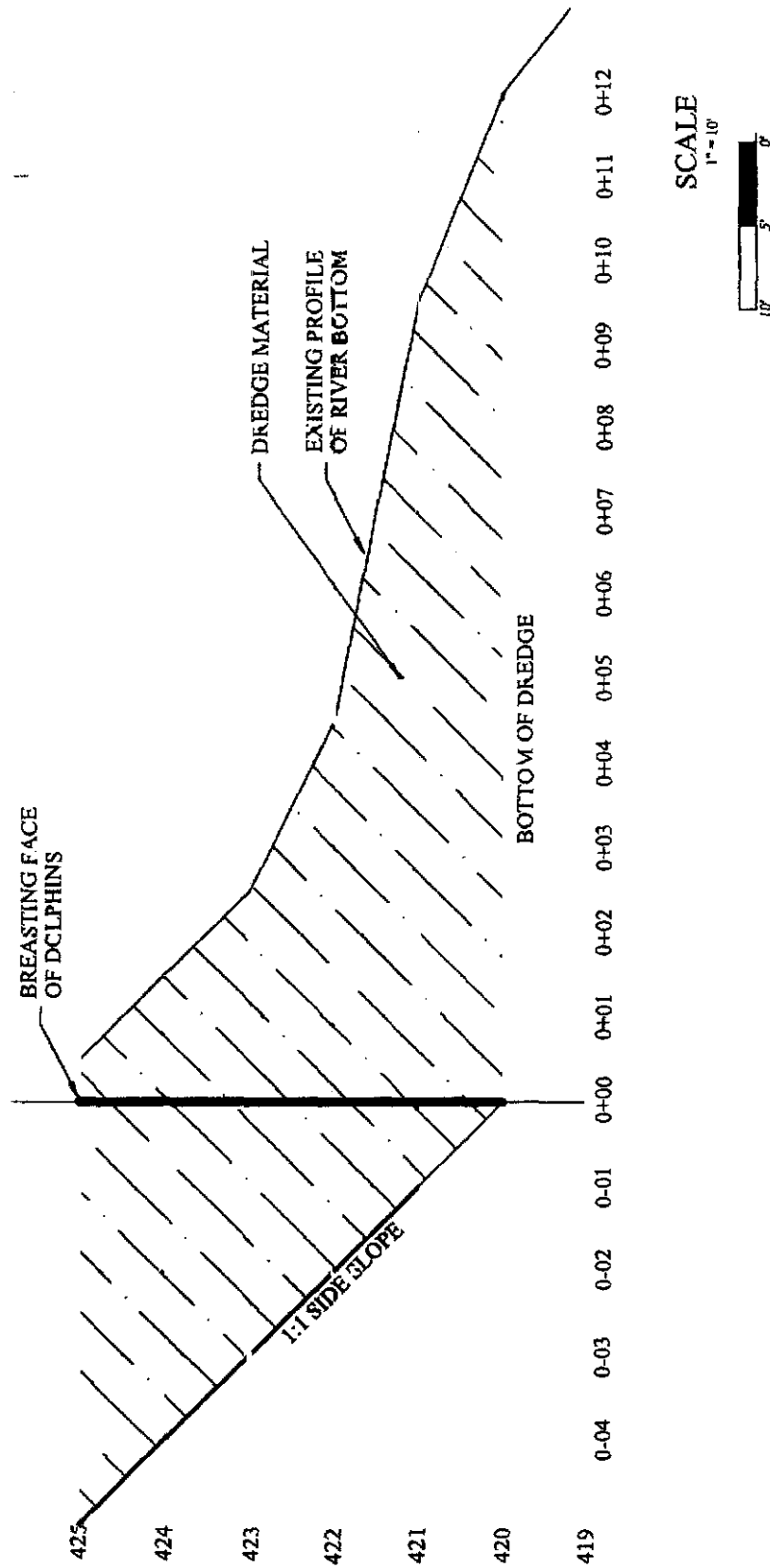
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NOT TO SCALE Notes:  
Typical

Reference Number:  
Applicant Name: LD Commodities  
Project: Maintenance Dredging  
Location: Windust, WA  
Date: 08/21/2012

Northern Resource Consulting, Inc.  
ENVIRONMENTAL SERVICES  
1339 Commerce Ave. Suite 309B  
Longview, WA 98632  
(360) 414-5239

Figure 4: Dredge Section B



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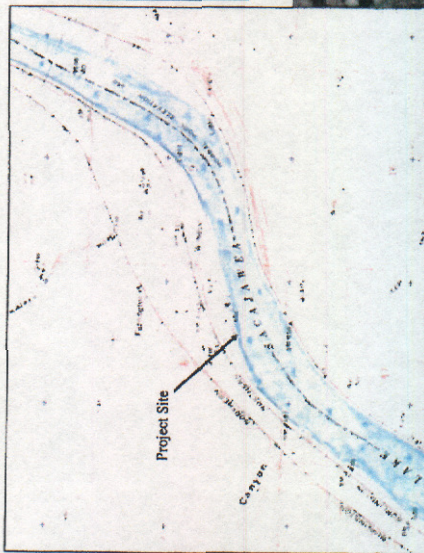
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
Reference Number:  
Applicant Name: LD Commodities  
Project: Maintenance Dredging  
Location: Windust, WA  
Date: 08/21/2012

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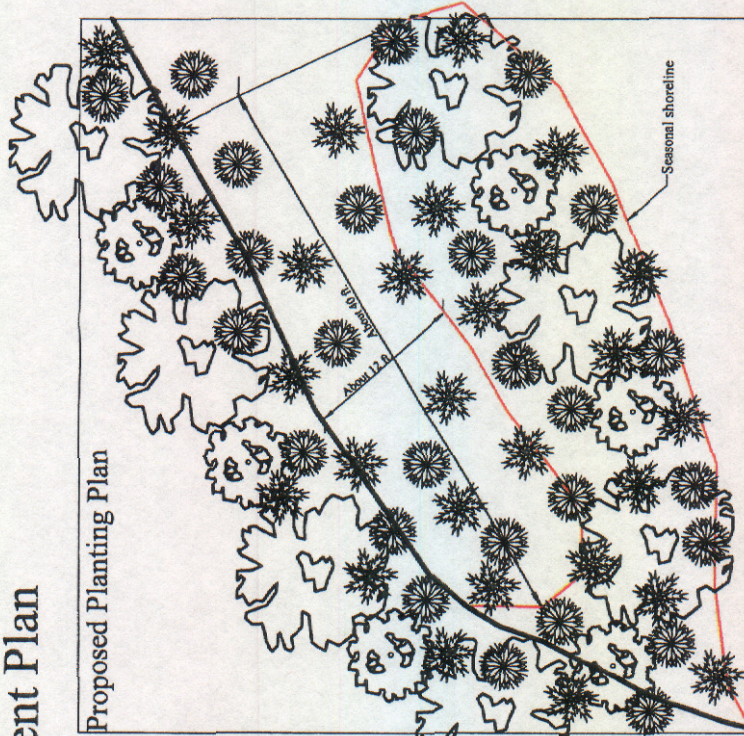


# Riparian Enhancement Plan

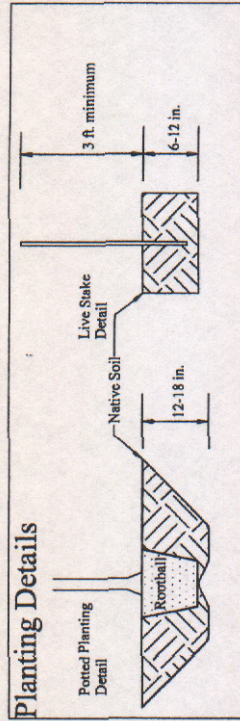


Plant List:	
	Red-oster dogwood (29)
	Coryne stolonifera
	live stake or 3 gallon
	Prairieleaf willow (7)
	Salix amygdaloides
	live stake or 10-15 gallon
	Coyote willow (28)
	Salix elaeagnifolia
	live stake or 3-5 gallon
	Yellow willow (6)
	Salix lutea
	live stake or 10-15 gallon

## Proposed Planting Plan



## Planting Details



Notes: Riparian species planted would undergo a periodic review in years 1, 2, and 3 and be replanted if necessary, if 80 percent survivorship is not achieved. Plant material will require summer watering for the first three years until established. Planting live stakes a minimum of 3 to 4 feet in length would be most effective on 2 to 3 foot spacing along the mudline which may move up and down as flows augmented by dam operations.

SCALE



Client(s): LD Commodities, LLC  
Project: Windust Dredging  
Location: Snake River, RM 38.3  
Drawing revised by: David Niebente  
Revision date: 9-4-12

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OF  
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# FRANKLIN COUNTY AUDITOR

*Matt Beaton, Auditor*

November 30, 2012

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

Action: As of this date, November 30, 2012  
move that the following warrants be approved for payment.

*Plkoul*

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
<b>Salary Clearing Payroll:</b>		
Payroll	57326-57422	182,813.58
Direct Deposit		324,780.46
		507,594.04
Benefits	57423-57437	236,014.32
	<b>Total</b>	<b>\$743,608.36</b>
<b>Emergency Mgmt Payroll:</b>		
Payroll	74680-74690	\$3,015.56
Direct Deposit		4,648.15
		7,663.71
Benefits	74691-74699	3,381.58
	<b>Total</b>	<b>\$11,045.29</b>
<b>Irrigation Payroll:</b>		
Payroll	74660-74671	\$5,819.92
Direct Deposit		3,457.29
		9,277.21
Benefits	74672-74679	5,541.50
	<b>Total</b>	<b>\$14,818.71</b>
<b>Grand Total All Payrolls</b>		<b>\$769,472.36</b>

In the total amount of **\$769,472.36**

(\$743,608.36+\$11,045.29+\$14,818.71)

The motion was seconded by *[Signature]*

and passed by a vote of 3 to 0

The attached payroll has been approved by Auditor or Deputy *[Signature]*

Payroll Prepared By *[Signature]*





# FRANKLIN COUNTY AUDITOR

*Matt Beaton, Auditor*

11/28/2012

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims.

Action: As of this date, 11/28/2012

Move that the following warrants be approved for payment:

certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

<b>FUND Expenditures</b>	<b>WARRANTS</b>		<b>AMOUNT ISSUED</b>
Current Expense	74753	74830	\$57,991.35
Current Expense	74831	74833	\$3,005.00
Election Equipment Revolving	74834	74835	\$729.46
Clerk LFO Collection Fund	74836	-	\$36.53
Enhanced 911	74837	74841	\$70,596.18
Ending Homelessness Fund	74842	74843	\$661.01
Capital Outlays 1/4% Excise	74844	-	\$145,583.62
Rental Car Excise Tax	74845	-	\$36,798.28
Current Expense	74846	74847	\$1,486.78

In the amount of

**\$316,888.21**

The motion was seconded by *Paul Miller*  
And passed by a vote of 3 to 0

*Matt Beaton*

The attached vouchers have been approved by Auditor or Deputy

*Julie Jordan*  
Vouchers Audited By