Jerome Delvin
District 1
Shon Small
District 2
Will McKay
District 3

Board of County Commissioners

Jerrod MacPherson
County Administrator

Matt Rasmussen
Deputy County Administrator

To view items in detail, click on highlighted areas.

Notice: Meeting provided in-person, by live-broadcast and telephonically via WebEx as follows:

Live-Broadcast @ link below:
https://www.co.benton.wa.us/agendalist.aspx?categoryid=1181

AGENDA
BOARD OF BENTON COUNTY COMMISSIONERS
Regular Board Meeting
Tuesday, October 12, 2021
Benton County Courthouse, Prosser, WA

9:00 AM **Call to Order**

Pledge of Allegiance

Approval of Minutes
- ❖ **October 5, 2021**

Review Agenda

Consent Agenda

Auditor
a. Data Sharing Agreement w/WA State Auditor for Shared Data Services
b. Surplus and Disposition of Personal Property
c. Two Year Contract w/Phoenix Protective Corp for Armed Security @ Voting Center

Clerk
d. Establishing an Additional Cash Drawer

Public Works
e. Appropriating Funds for Dallas Road Bike Path Project
f. Appropriating Funds for Plymouth Road Pavement Overlay Project

Purchasing
g. Lease Agreement w/City of Richland for Emergency Services for Communication Equipment at Golgotha, Klickitat County

h. Purchase of Automated External Defibrillators & Supplies/Services From LifeMed Safety, Inc.

Public Comment ~ *for public engagement during Commissioners' meetings, please use the public comments phone line @:* *Dial: 509 460-4941*

Public Hearing

Eaton Park Improvement Club Inc. Franchise Renewal ~ Cristina Woods

Scheduled Business

Request to Proceed w/Bid Process for Moderate Risk Waste Facility Retrofit Project ~ D D'Hondt & Blanca Parham

Zone Change Requests ~ M Cooke

- ZC 2021-001, Knutzen Engineering
- ZC 2021-002, Knutzen Engineering

Other Business

Executive Session

Discuss the County's Position and Strategy in Union Negotiations ~ S Hallstrom & L Wingfield

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Draft

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, October 5, 2021, 9:00 a.m.
Meeting provided in-person, by Video Live-Broadcast and Telephonically

Present: Chairman Jerome Delvin
Commissioner Shon Small
Commissioner Will McKay
County Administrator Jerrod MacPherson
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; DPA Ryan Brown; Commander Joshua Shelton; Clerk Josie Delvin; Lt. Kasey Kist.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of September 28, 2021 were approved.

The Minutes of the Special Meeting of September 28, 2021 were approved.

Consent Agenda

MOTION: Commissioner McKay moved to approve the consent agenda items "a" through "o". Commissioner Small seconded and upon vote, the Board approved the following:

Auditor

a. Coding Correction of Funds From Current Expense to Election Reserve Fund
b. Cancellation of Unclaimed Warrants

Human Resources

c. Payment of Sheriff Wages to Jon Law During Interim Appointment; Amending Resolution 2021-638

Juvenile

d. Contract Termination w/Benton-Franklin Health District for Medical Services
e. Contract w/Day Wireless Systems for Installation of Bidirectional Amplifier & Antenna System
f. Contract w/Karyn Oldfield for Attorney Representation in Becca Dockets

Public Works

g. Contract w/Construction Ahead for Crack Seal Project
h. Award of Contract w/Stripe Rite for Pavement Marking

Purchasing

i. First Contract Amendment w/Moon Security Services for Fire & Security Monitoring Services
j. First Contract Amendment w/Intermountain Cleaning to Include Administration Building
k. Purchase of QLess Queuing Software From Shi International for Administration Building
l. Purchase of Deicer From Envirotech Services for Public Works Department
m. Purchase of Road Salt From Salt Distributors for Public Works Department
n. Award of Purchase of 54 Glock Pistols to Gunarama Wholesale for Corrections Department
o. Agreement w/Mister Car Wash for Benton County Sheriff's Office; Amending Resolution 2020-1001

Public Comment

None.

Public Hearing - Eaton Park Improvement Club Inc. Franchise Renewal

This item was originally scheduled for October 12, 2021 and would be heard on that date. It was erroneously put on this agenda.

Benton County Travel Policy Update

Matt Rasmussen presented the updated Benton County Travel Policy to update to current laws and current practices and changes that were more practicable as follows:

- Switch to per diem for meal costs issued in advance of travel
- Issue advance travel meal per diem via pre-paid debit card
- Eliminating special exclusion boundary for elected officials
- Previously entered into agreement with Rapid Investments Inc. as the card issuer for this program

The policy update would be effective November 1, 2021 to allow time for a policy and training regarding the new pre-paid debit cards.

MOTION: Commissioner Small moved to approve the Benton County Business Travel and Expense Policy as presented and rescind Resolution 2015-041 and Resolution 2011-294 effective November 1, 2021. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Chairman Delvin reminded the Board he would be on vacation for the next three weeks.

The Board briefly recessed, reconvening at 9:13 a.m.

Executive Session – 3rd Quarter Litigation Update

The Board went into executive session at 9:13 a.m. for up to 15 minutes with DPA Ryan Brown to discuss pending litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

The Board came out at 9:26 a.m. No decisions were made in executive session.

Tort Claim

CC 2021-27: Received on October 1, 2021 from Zachary Fairley

Accounts Payable

Check Date: 10/01/2021

Warrants #: 221878-222026
Total all funds: $846,037.33

EFT's #: 1961-1964
Transfers #: 10012101-10012108
Total all funds: $11,138,286.46

Check Date: 10/01/2021

EFT's #: 1965
Total all funds: $12,188.05

Resolutions

2021-719: Coding Correction of Funds From Current Expense to Election Reserve Fund
2021-720: Cancellation of Unclaimed Warrants
2021-721: Payment of Sheriff Wages to Jon Law During Interim Appointment; Amending Resolution 2021-638
2021-722: Contract Termination w/Benton-Franklin Health District for Medical Services
2021-723: Contract w/Day Wireless Systems for Installation of Bidirectional Amplifier & Antenna System
2021-724: Contract w/Karyn Oldfield for Attorney Representation in Becca Dockets
2021-725: Contract w/Construction Ahead for Crack Seal Project
2021-726: Award of Contract w/Stripe Rite for Pavement Marking
2021-727: First Contract Amendment w/Moon Security Services for Fire & Security Monitoring Services
2021-728: First Contract Amendment w/Intermountain Cleaning to Include Administration Building

2021-729: Purchase of QLess Queuing Software From Shi International for Administration Building
2021-730: Purchase of Deicer From Envirotech Services for Public Works Department
2021-731: Purchase of Road Salt From Salt Distributors for Public Works Department
2021-732: Award of Purchase of 54 Glock Pistols to Gunarama Wholesale for Corrections Department
2021-733: Agreement w/Mister Car Wash for Benton County Sheriff's Office; Amending Resolution 2020-1001
2021-734: Approving the Benton County Business Travel and Expense Policy - Rescinding Resolution 2015-041 and 2011-294 Effective November 1, 2021

There being no further business before the Board, the meeting adjourned at approximately 9:27 a.m.

_____ _____

Clerk of the Board Chairman

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Data Sharing Agreement Between Washington State Auditor and Benton County
Presenter:	
Prepared By:	Lorene Roe
Reviewed By:	Brenda Chilton

PA Review, Approval to Form: ☒ Yes ☐ No ☐ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:** *(Multiple boxes can be checked, if necessary)*	
☒ Consent Agenda	☐ Discussion Only	☐ Pass Motion
☐ Public Hearing	☐ Decision / Direction	☒ Pass Resolution
☐ Scheduled Business	☐ Sign Letter / Document	☐ Pass Ordinance
		☒ Execute Contract

Summary / Background Information

Benton County wishes to accept the attached interagency agreement with the Washington State Auditor's office for shared data related to the annual audits.

Fiscal Impact

None

Recommendation

The Board of Benton County Commissioners hereby authorizes an agreement with the Washington State Auditor's office for shared data services for performing annual audits for the term from the date of execution until June 30, 2024.

Suggested Motion

Approve as part of consent agenda.

L.Roe

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE INTERAGENCY DATA SHARING AGREEMENT BETWEEN BENTON COUNTY AND THE OFFICE OF THE WASHINGTON STATE AUDITOR

WHEREAS, ESSB5432, concerning cybersecurity and data sharing in Washington state government, effective July 25, 2021, created new requirements for state agencies including requiring state agencies to have interagency data sharing agreements (DSA's) in place with all outside organizations with whom they share data; and

WHEREAS, the Office of the Washington State Auditor and Benton County regularly share data related to the annual audits set forth in RCW 43.09; and

WHEREAS, the Office of the Washington State Auditor has presented an Interagency Data Sharing Agreement which has been reviewed by the County Auditor, who serves as the County's liaison with the State Auditor, and approved as to form by the Office of the Prosecuting Attorney; **NOW THEREFORE**

BE IT RESOLVED, that Jerome Delvin, Chairman of the Board of County Commissioners, is hereby authorized to sign the Interagency Data Sharing Agreement between Benton County and the Office of the Washington State Auditor;and

BE IT FURTHER RESOLVED, that the Interagency Data Sharing Agreement shall take effect upon date of execution and remain in effect until June 30, 2024 unless terminated sooner or otherwise extended.

Dated this _____day of _____, 2021.

_____
Chairman of the Board

_____
Member

Attest:

_____
Member

_____
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington

Cc: L. Roe, B. Chilton

L.Roe

RE: [EXTERNAL] Final DSA ready for review and signature

Reply | Reply All | Forward | ...

Tue 9/28/2021 11:32 AM

RH

Reid Hay
To Brenda Chilton
Cc Lorene Roe

Brenda,

I have reviewed the proposed agreement with the SAO, and it is approved as to form.

-- Reid

Reid Hay
Deputy Prosecuting Attorney
Benton County Prosecuting Attorney's Office
Phone: (509) 735-3591
Fax: (509) 222-3705

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INTERAGENCY DATA SHARING AGREEMENT

Between

Benton County

And the Office of the Washington State Auditor

This Interagency Data Sharing Agreement ("DSA"), also referred to herein as the "Agreement," is entered into by and between Benton County, a political subdivision of the State of Washington, located at PO Box 190, 620 Market Street, Prosser, WA 99350, hereinafter referred to as "Agency", and the Office of the Washington State Auditor, located at 302 Sid Snyder Avenue Southwest, Olympia, WA 98501, hereinafter referred to as "SAO", each a "Party" or collectively "Parties," pursuant to the authority granted by Revised Code of Washington ("RCW") Chapter 39.34 RCW and 43.09 RCW.

AGENCY PROVIDING DATA: Agency

Agency Name:	Benton County
Contact Name:	Aileen Coverdell
Title:	Chief Accountant
Address:	620 Market Place, Prosser, WA 99350
Phone:	(509) 736-2727
E-mail:	aileen.coverdell@co.benton.wa.us

AGENCY RECEIVING DATA: SAO

Agency Name:	Office of the Washington State Auditor
Contact Name:	Ginny Waltman
Title:	Program Manager
Address:	100 N. Morain STE 216, Kennewick, WA 99336
Phone:	(509) 734-7104
E-mail:	Ginny Waltman@sao.wa.gov

1. PURPOSE OF THE DSA

   The purpose of the DSA is to provide the requirements and authorization for the Agency to exchange confidential information with SAO. This agreement is entered into between Agency and SAO to ensure compliance with legal requirements and Executive Directives (Washington State Governor's Executive Order 16-01, RCW 42.56, and Office of the Chief Information Officer ("OCIO") policy 141.10) in the handling of information considered confidential.

2. DEFINITIONS

"Agreement" means this Interagency Data Sharing Agreement, including all documents attached or incorporated by reference.

"Confidential Data" means any (i) nonpublic information or Data designated as confidential; (ii) any information or Data, given the nature of the information, Data, or circumstances surrounding disclosure, should reasonably be understood to be confidential; or (iii) any information not subject to or exempted from disclosure under the Washington State Public Records Act pursuant to 42.56 RCW.

"Data" means any digital representation of information, knowledge, facts, concepts, data programs, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a data network, data program, data services, or data system.

"Data Access" refers to rights granted to SAO employees to directly connect to Agency systems, networks and/or applications combined with required information needed to implement these rights.

"Data Transmission" refers to the methods and technologies to be used to move a copy of the Data between systems, networks and/or employee workstations.

"Data Storage" refers to the place Data is in when at rest. Data can be stored on removable or portable media devices such as a USB drive or SAO managed systems or OCIO or Washington State approved services.

"Data Encryption" refers to enciphering Data with a National Institute of Standards and Technology ("NIST")-approved algorithm or cryptographic module using a NIST-approved key length. Encryption must be applied in such a way that it renders Data unusable to anyone but the authorized users.

"Personal Information" means information defined in RCW 42.56.590(10).

3. PERIOD OF AGREEMENT

This Agreement shall begin on July 1, 2021 or date of execution, at 12:00AM midnight Pacific Standard Time ("PST"), whichever is later, and end on June 30, 2024 at 12:00AM midnight PST, unless terminated sooner or otherwise extended as provided herein.

4. JUSTIFICATION FOR DATA SHARING

SAO is the auditor of all public accounts in Washington State. SAO's authority is broad and includes both explicit and implicit powers pursuant to 43.09 RCW to review records, including confidential records, during the course of an audit or investigation.

5. DESCRIPTION OF DATA TO BE SHARED

The Data to be shared includes information and Data related to financial activity, operation, and compliance with contractual, state, and federal programs, security of computer systems, performance and accountability for Agency's programs as applicable to the audit(s) performed.

Specific information or Data requests will be limited and restricted to information needed for SAO audits, investigations, and related statutory authorities as identified through written auditor requests.

6. DATA ACCESS

If desired, with the Agency's express written permission, the Agency may provide direct, read-only access into its network or system for the express and limited purpose of accessing the Agency's Data necessary to perform the audit(s). SAO shall restrict and limit access to Agency's system only to those employees or contractors who require access in support of the audit(s). SAO shall immediately notify the agency in writing when access is no longer needed.

7. DATA TRANSMISSION

Transmission of Data between Agency and SAO will use a secure and encrypted, such as Secure Socket Layer ("SSL") encryption or similar type encryption, method that is commensurate to the sensitivity of the Data being transmitted.

8. DATA STORAGE AND HANDLING REQUIREMENTS

Agency shall notify SAO if they are providing Confidential Data. All Confidential Data provided by Agency will be stored in a secure and compartmentalized location with access limited to the least number of SAO employees and only those employees who reasonably and necessarily require access specifically to perform their obligations pursuant to this Agreement.

9. INTENDED USE OF DATA

The Office of the Washington State Auditor will utilize this Data in support of their audits, investigations, and related statutory responsibilities as described in RCW 43.09.

10. CONSTRAINTS ON USE OF DATA

The Office of the Washington State Auditor agrees, warrants, and guarantees that it will strictly limit use of information obtained under this Agreement to the purpose of carrying out our audits, investigations and related statutory responsibilities as described in RCW 43.09. Additionally, SAO shall cooperate to the fullest extent legally possible with the Agency regarding the Agency's response to a Public Records Act request related to this agreement or documents shared pursuant thereto.

11. SECURITY OF DATA

SAO shall exercise the highest duty of care and take all such actions as are reasonably necessary and appropriate to preserve and protect Agency's Data from unauthorized physical and electronic access, incursion, or loss. SAO shall comply with the requirements of the OCIO 141.10 policies and standards for data security and access controls to ensure the confidentiality and integrity of all Data shared. SAO and SAO employees who require access to Agency's Data shall not disclose, use, sell, transmit, inform, or make available to any entity, person, or body any of Agency's Data, nor shall it copy, photograph, or otherwise reproduce any of Agency's Data, except as a necessary part of performing its obligations pursuant to this Agreement, or as otherwise required by law.

12. NON-DISCLOSURE OF DATA

SAO staff and employees shall not disclose, in whole or in part, the confidential Data provided by Agency to any individual or agency, unless this Agreement specifically authorizes the disclosure. Data may be disclosed only to persons and entities that have the need to use the Data to achieve the stated purposes of this Agreement. In the event of a public disclosure request for the Agency's Data, SAO will immediately notify the Agency in writing. Further restrictions include:

a. SAO shall not access or use the Agency's information or Data for any commercial or personal purpose.
b. Any exceptions to these limitations must be approved in writing by Agency.
c. The SAO shall ensure that all staff and employees with access to the Data described in this Agreement are aware of the use and disclosure requirements of this Agreement and shall advise new staff and employees of the provisions of this Agreement.

13. OVERSIGHT

Agency shall have the right, at any time with reasonable notice, to monitor, audit, and review activities and methods in implementing this Agreement in order to assure strict compliance with the provisions of this Agreement.

14. TERMINATION

Either Party may terminate this Agreement, for or without cause, for convenience, or for any reason, with thirty (30) days written notice to the other Party's Agreement Administrator named on Page 1 of this Agreement. However, once Data is accessed by the SAO or any SAO staff or employees, this Agreement is binding as to the confidentiality, use, and disposition of all Data received as a result of access pursuant to this Agreement, unless amended in writing by the mutual agreement of both parties. This provision shall survive and remain in full effect and be enforceable after termination of this Agreement for any reason.

15. DISPUTE RESOLUTION

In the event a dispute arises between the parties concerning any matter involving this agreement, the parties shall first meet and confer in an attempt to resolve their dispute informally. If the parties cannot agree on a resolution, any judicial proceeding between the parties needed to enforce any provision of this Agreement shall be brought solely in a court of competent jurisdiction in Benton County.

16. MUTUAL HOLD HARMLESS

A. The parties to this agreement are independent governmental agencies and neither is the agent or employee of the other. No liability shall attach to either party for entering into this Agreement or because of any act or omission of the parties except as expressly provided.

B. Each party to this agreement shall be responsible for its own acts and omissions and those of its agents and employees. Each party shall also be responsible for its own attorney fees, demands, losses, and liabilities to or by third parties arising from, resulting from, or connected under this Agreement as permitted by law. Each party's responsibility for its own acts or omissions and those of its agents and employees for liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from their concurrent negligence or each party's agents or employees, shall apply only to the extent of each party's own negligence or its agents or employees.

C. Both parties' responsibilities for their own acts or omissions shall specifically include all claims for loss liability because of wrongful payments under the Uniform Commercial Code, or other statutory or contractual liens or rights or third parties, including taxes, accrued or accruing as a result of this Agreement or work performed or materials furnished directly or indirectly because of this Agreement.

D Stored Records, Media, and Data. The SAO and the SAO affiliates shall not be liable for any loss or damage to Records, Media, and Data however caused, unless such loss or damage results from a failure by the SAO or the SAO affiliates to exercise that care that a reasonably careful person would exercise under like circumstances. Records, Media, and Data held, stored, or used by SAO or SAO affiliates shall be reasonably insured by the SAO against loss, damage or destruction, however caused, as a result of cyber-incursion, hacking, damage, or loss.

17. MODIFICATION

No modification or amendment to this Agreement shall be valid until the same is reduced to writing and executed with the same formalities as this present Agreement.

18. WAIVER

No officer, staff, employee, agent or otherwise of Agency or SAO has the power, right or authority to waive any of the conditions or provisions to this Agreement. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement or at law shall be taken and constructed as cumulative, that is, in addition to every other remedy provided herein or by law. Failure of either Party to enforce at any time any of the provisions of this Agreement or to require at any time full and complete performance by the other of any provision hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this Agreement or any part hereof, or the right of either Party to hereafter enforce each and every such provision.

19. NOTICES

All notices required or permitted under this Agreement shall be in writing and served upon the Parties in person, by certified or registered U.S. mail (return receipt requested) directed to the mailing addresses set forth above or the mailing addresses designated by a party pursuant to written notice, or by electronic mail to the email address set forth below or the email address designated by a party pursuant to written notice. Any notice so mailed shall be effective three (3) days after mailing. Any notice in person or by electronic mail shall be effective immediately. All changes of address shall be effective upon written notice in the fashion provided by this section.

20. ENTIRE AGREEMENT

This Agreement, including the exhibits, contains all the promises, agreements, conditions, inducements and understandings between the Parties relative to this Agreement; and there are no promises, agreements, conditions, inducements, understandings, warranties or representations, oral or written, expressed or implied, between them other than as set forth herein.

21. SEVERABILITY

If any portion of this Agreement should become invalid or unenforceable, the remainder of the Agreement shall remain in full force and effect.

22. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. Both Agency and SAO have read and understand this entire Agreement, and now states that no representation, promise, or agreement not expressed in this Agreement has been made to induce him to execute the same.

23. HEADINGS

The article headings in this Agreement have been inserted solely for the purpose of convenience and ready reference. In no way do they purport to, and shall not be deemed to, define, limit, or extend the scope or intent of the sections to which they appertain.

24. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.

25. NON-DISCRIMINATION

The Parties, their employees, and agents shall not discriminate against any person based on race; religion; color; sex; gender identity and expression; pregnancy; childbirth; breastfeeding; medical conditions related to pregnancy, childbirth, or breastfeeding; sexual orientation; marital status; age; national origin; ancestry; genetic information; disability; veteran status; or any class protected by local, state, or federal law.

26. FORCE MAJEURE

Neither Party shall not be considered in breach or non-compliance by reason of any failure in performance if such failure arises out of causes reasonably beyond that Party's control and without its fault or negligence. Neither Party will be held responsible for delay of failure to perform herein when such delay or failure is due to fire, flood, riot, epidemic, pandemic, acts of God or the public enemy, acts of terrorism, acts of war, unusually severe weather, legal acts of public authorities, public carries, labor disputes, or other circumstances which cannot be forecast or provided against.

27. REMEDIES

No remedy herein conferred upon any Party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any Party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

28. TIME IS OF THE ESSENCE

Time is of the essence with respect to each and every provision of this Agreement.

29. EXECUTION AND APPROVAL

The Parties warrant that the officers/individuals executing below have been duly authorized to act for and on behalf of the Party for purposes of confirming this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the ____ day of _____, 2021.

AGENCY:

BOARD OF COUNTY COMMISSIONERS
OF BENTON COUNTY, WASHINGTON

_____
CHAIR, JEROME DELVIN

ATTEST:

_____
Clerk of the Board
CAMI McKENZIE

SAO:

OFFICE OF THE WASHINGTON STATE AUDITOR

_____
GINNY WALTMAN, PROGRAM MANAGER

ATTEST:

_____

Clerk

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Declaration of Surplus Property
Presenter:	
Prepared By:	Deidra Beck
Reviewed By:	Lorene Roe

Type of Agenda Item:	**Type of Action Needed:**	
☒ Consent Agenda	☐ Discussion Only (1st)	☐ Pass Motion
☐ Public Hearing	☐ Discussion Only (2nd)	☒ Pass Resolution
☐ Scheduled Business	☐ Decision/Direction	☐ Pass Ordinance

Summary / Background Information

As outlined in Resolution 07-752, County departments request personal property items be declared surplus and be disposed of.

Fiscal Impact

Amount: **None**

Fund: **N/A**

Recommendation

The Personal Property Manager has determined that the personal property on the attached exhibit can be declared surplus and disposed of accordingly.

Suggested Motion

Approve as part of the consent agenda.

D. Beck
L. Roe

D. Beck

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF SURPLUS AND DISPOSITION OF PERSONAL PROPERTY, IN ACCORDANCE WITH RESOLUTION 07-752

WHEREAS, the County's Personal Property Management Policy, Resolution No. 07-752, sets forth the policies and procedures for surplus and disposition of personal property; and

WHEREAS, pursuant to the policy, the Benton County Auditor is the Personal Property Manager for the County; and

WHEREAS, various departments have identified items of personal property for which they are no longer in need; and

WHEREAS, the Personal Property Manager has determined that no other department desires such property and, therefore, recommends the listed property be declared surplus; and

WHEREAS, the Board finds it to be in the best interest of the citizens of Benton County to surplus the property and the Personal Property Manager may dispose of such in accordance with the Personal Property Management Policy; **NOW, THEREFORE,**

BE IT RESOLVED, that based on the recommendation of the Personal Property Manager and as supported by the various departments, the listed property in Attachment A is hereby determined to be surplus and will be disposed of in one of the following manners, as may be determined by the Personal Property Manager depending on final condition assessment: public online auction, sealed bid, private negotiation with another governmental agency, surplus sale, waste disposal, or recycled.

Dated this _____day of _____, 2021.

_____
Chairman of the Board

_____
Member

_____
Member

Constituting the Board of County Commissioners of Benton County, Washington

Attest: _____

Clerk of the Board

D. Beck
L. Roe

D. Beck

SURPLUS

ER&R

- 2011 Chevrolet Impala – Good condition
  - Plate 95704C
  - VEH # 1092
  - VIN # 2G1WF5EK0B1235806

- 2008 Chevrolet Impala – Good condition
  - Plate 83862C
  - VEH # 1083
  - VIN # 2G1WB58K981240664

- Airplane Dolly – Doesn't run
  - Tag # N/A

- Aviation headsets (2 pairs) – Good condition
  - Tag # N/A

- Battery Tester -- Unknown condition
  - Tag # N/A

- Tool Box – Good condition
  - Tag # N/A

TREASURER

- Binders (52); multiple sizes and colors—fair condition
  - Tag # N/A

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Two Year As-Needed Elections Security Contract with Phoenix Protective Corp.
Presenter:	
Prepared By:	Lorene Roe
Reviewed By:	Brenda Chilton

PA Review, Approval to Form: ☒ Yes ☐ No ☐ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:**	
☒ Consent Agenda	☐ Discussion Only (1st)	☐ Pass Motion
☐ Public Hearing	☐ Discussion Only (2nd)	☒ Pass Resolution
☐ Scheduled Business	☐ Decision/Direction	☐ Pass Ordinance
	☐ Sign Letter/Document	☐ Execute Contract

Summary / Background Information

The Benton County Auditor's office wishes to accept the attached contract with Phoenix Protective Corp. to provide armed uniform security services at the Voting Center on an as-needed basis for two years. The officers will provide a proactive approach to deter and detect possible activity that could disrupt the employees of the Election Division from completing their duties to carry out elections.

Fiscal Impact

$45/hr.

$60/hr. less than 30 days' notice

Recommendation

The Board of Benton County Commissioners hereby authorizes to contract with Phoenix Protective Corporation to provide armed security services at the Voting Center on an as-needed bases for two years.

Suggested Motion

Approve as part of consent agenda.

L. Roe

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF APPROVING A TWO YEAR AS-NEEDED CONTRACT BETWEEN PHOENIX PROTECTIVE CORP. AND BENTON COUNTY ELECTIONS

WHEREAS, the Elections Division of the Auditor's Office deems it to be a proactive approach to contract for armed security at the Voting Center during certain elections; and

WHEREAS, a two year as-needed service agreement has been prepared for armed uniformed security in an amount of $45/hr. or $60/hr with less than 30 days notice; **NOW THEREFORE**

BE IT RESOLVED, the Chairman of the Board is authorized to sign the contract between Phoenix Protective Corp. and Benton County Elections, for the period of September 1, 2021 - December 31, 2023

Dated this _____day of _____, 2021.

_____
Chairman of the Board

_____
Member

_____
Member

Constituting the Board of County Commissioners of Benton County, Washington

Attest:

_____
Clerk of the Board

Cc: L. Roe, B. Chilton

L. Roe

Lorene Roe

From: Reid Hay
Sent: Friday, October 1, 2021 10:56 AM
To: Lorene Roe
Cc: Brenda Chilton; Amanda Hatfield
Subject: Approval as to form

Lorene,

I have reviewed the proposed contract with PPC Solutions, Inc., and it is approved as to form.

-- Reid

Reid Hay
Deputy Prosecuting Attorney
Benton County Prosecuting Attorney's Office
Phone: (509) 735-3591
Fax: (509) 222-3705

This email, any and all attachments hereto, and all information contained and conveyed herein may contain and be deemed confidential attorney client privileged and/or work product information. If you have received this email in error, please delete and destroy all electronic, hard copy and any other form immediately. It is illegal to intentionally intercept, endeavor to intercept or procure any other person to intercept or endeavor to intercept, any wire, oral or electronic communication.

Josh Braun, Manager
(509)319-4835 | josh.braun@phoenixprotectivecorp.com

Uniformed Security Officers

Prepared for:

Benton County Elections Department

PPC SOLUTIONS INC.

July 27, 2021

Benton County Elections Department
Amanda Hatfield
PO Box 1440
Prosser, WA 99350
Via Email: Amanda.hatfield@co.benton.wa.us

Dear Ms. Hatfield,

Thank you for contacting me regarding a multi-year contract for security services for the Benton County Elections Department. Per our conversation, I have completed a pricing proposal below for the coverage.

Please don't hesitate to contact me if you have any questions.

SERVICE SUMMARY:

For armed uniform security services, we can provide two (2) officers at requested dates during the two-year period of the contract. To prevent last minute rates, we will need at least 30 days' notice so that we can adjust our schedule appropriately. We also require a minimum of four (4) hours per officer, per shift.

The officers will provide a proactive approach to deter and detect possible activity that could disrupt the employees of the Elections Department from completing their duties.

COST TABLE:

Service	Rate	Unit	Quantity	Period	Period Cost	No. of Periods	Estimated Cost
Armed Security Services	$45.00	Hour					
Less than 30 Days' Notice	$60.00	Hour					

**Uniform Service Invoices are provided weekly.*

Sincerely,
Josh Braun

Business Development Manager
Mobile: (509) 319-4835
Email: josh.braun@phoenixprotectivecorp.com

PPC SOLUTIONS INC.

Please don’t hesitate to contact us; our operations team is ready to serve you!

PPC SOLUTIONS, INC.
SECURITY SERVICE AGREEMENT

This agreement is entered into between Benton County, a political subdivision of the State of Washington, 620 Market Street, Prosser, WA 99350, phone: (509)736-3085 ext. 5639, email: Amanda.hetfield@co.benton.wa.us ("Client") and PPC Solutions, Inc. ("Supplier").

1. Scope of Service. Supplier agrees to provide uniformed security services for Client, consistent with operating procedures approved by Client.

Dates of service	September 1, 2021-December 31, 2023
Number of security officer (s)	Two (2)
Days of week/Hours of Coverage	TBD, 4-hour Minimum Per Service Request
Type of Coverage	Armed Security Services
Hourly Rate**	$45.00 per hour, per officer $60.00 per hour, per officer-Under 30 day notice
Site Location	2610 Columbia Center Blvd, Richland, WA 99352
Client Emergency Contact	Amanda Hetfield (509)440-0824
Billing Frequency (Weekly/Semi Monthly or Monthly)	Weekly

**Overtime/Holiday Rate. Client will pay for work performed on state or federal holidays (including, but not limited to New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, and Christmas) at one hundred fifty percent (150%) of the Hourly Rate.

2. Special Duty Assignment. In the event Client requests an emergency, extra, or special duty assignment with less than twenty-four (24) hours notice to Supplier, Client will pay one hundred fifty percent (150%) of the Hourly Rate. Client will also pay a minimum of five (5) hours for any emergency, extra, or special duty assignments.

3. Duration of Agreement. The term of this Agreement shall be for the "Dates of service." The duration may be extended by mutual written agreement.

4. Duties of Client. Client will promptly notify Supplier of any specific work site issues, safety issues, or suspicious activities observed by Client and/or its agents and employees.

5. Relationship between Supplier and Client. Supplier is an independent contractor. Supplier and Client are not joint venturers, partners, or principal and agent.

6. Termination. Either party may terminate this Agreement upon thirty (30) days' prior written notice to the other party. In the event of nonpayment or untimely payment by Client, Supplier may terminate this Agreement on two (2) days' written notice.

7. Payment. Client will pay Supplier within thirty days of invoice date. Client is eligible to receive a 1% discount if the invoice is paid in full within ten days of the invoice date. In the event Client fails to pay on time, Client agrees to pay a one point five percent (1.5%) finance charge for each month or portion of month during which invoice is not timely paid. Payment and notices to PPC Solutions, Inc. will be sent first class mail, with proper postage attached, to:

PPC Solutions, Inc.
18303 E Appleway Avenue
Spokane Valley WA 99016

8. Insurance. Supplier will maintain a policy of general liability insurance (with endorsements and/or limitations) with coverage of $1,000,000 per occurrence and $2,000,000 aggregate.

9. Worker's Compensation. Supplier will maintain Worker's Compensation coverage in accordance with applicable state requirements.

10. Indemnification. Supplier agrees to defend, indemnify, and hold harmless Client, its officers, directors, and employees from any and all claims, demands, losses, lawsuits, and other legal proceedings, including without limitation, judgments, for any negligent act or omission of Supplier while on or about Client's property. In no event will Supplier indemnify Client for Client's own negligence, the client's percentage of concurrent negligence, or the clients own misconduct, or for a criminal act perpetrated by a third party. Client agrees to defend, indemnify, and hold harmless Supplier, its officers, directors, and employees from any and all claims, demands, losses, lawsuits, and other legal proceedings, including without limitation, judgments, for any negligent act or omission of Client on or about Client's property. In no event will Client indemnify Supplier for Supplier's own negligence, the suppliers percentage of concurrent negligence or misconduct, or for a criminal act perpetrated by a third party. Nothing in this Agreement creates a liability to or a right of indemnification in any third party unless specifically identified in this paragraph. This paragraph shall survive the duration, expiration, or termination of this Agreement.

11. Warranty Disclaimer. There are no warranties which extend beyond the description on the face on this Agreement. Supplier disclaims all other express warranties and all implied warranties, including without limitation, any warranty of merchantability and/or fitness for a particular purpose.

12. Consequential Loss Limitation. In no event will Supplier be liable for any consequential losses suffered by Client.

13. No Third Party Beneficiaries. This Agreement is solely for the benefit of Client and Supplier. This Agreement does not create any third party beneficiaries.

14. Assignment. The supplier shall, per term, the services under this agreement, using only its bona fide employees, and the obligations and duties of the supplier shall not be assigned, delegated or subcontracted to any other person or firm without the prior written consent of the client.

15. Integration Clause. This Agreement sets forth the entire agreement between the parties and supersedes all prior written and oral discussions, representations, and/or agreements. Except for paragraph three (duration of service), this Agreement shall only be amended in writing, signed by both Client and Supplier.

16. Counterparts. This Agreement may be signed in more than one counterpart, in which case each counterpart shall constitute an original of this Agreement. Signatures exchanged by facsimile or other electronic transmission shall be deemed to be the same as originals.

17. Choice of Law/Venue. This Agreement shall be governed by the laws of the State of Washington, without reference to Washington's choice of law principles. In the event of any dispute arising out of this Agreement, the parties agree that jurisdiction and venue shall be exclusively in Benton County, Washington. Client waives any objection to personal jurisdiction in Washington State or to venue in Benton, Washington.

18. The services provided by the supplier under this agreement are on as needed basis only.

Client Signature: _____ Print Name: _____

Title: _____ Date: _____

PPC Solutions, Inc.

Rep. Signature: _____ Print Name: _____

Title: _____ Date: _____

CLIENTPOINT DOWNLOAD RECEIPT

DOWNLOADED: 09-28-2021
CLIENTPOINT ID: 568808

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Establishing 1 additional cash drawer
Presenter:	
Prepared By:	Josie Delvin
Reviewed By:	

PA Review, Approval to Form: ☐ Yes ☐ No ☒ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:** *(Multiple boxes can be checked, if necessary)*	
☒ Consent Agenda	☐ Discussion Only	☐ Pass Motion
☐ Public Hearing	☐ Decision / Direction	☒ Pass Resolution
☐ Scheduled Business	☐ Sign Letter / Document	☐ Pass Ordinance
		☐ Execute Contract

Summary / Background Information

We are requesting one additional cash drawer to be established at our front counter to better serve the public.

Fiscal Impact

None

Recommendation

Pass the resolution allowing 1 additional cash drawer to be established in the Clerk's office.

Suggested Motion

Approve as part of the consent agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF ESTABLISHING 1 ADDITIONAL CASH DRAWER FOR THE BENTON COUNTY CLERK'S OFFICE

WHEREAS, the Benton County Clerk's office has seen an increase in the number of individuals filing matters at our front counter; and

WHEREAS, the Benton County Board of County Commissioners have approved an additional position in the Benton County Clerk's office to serve the public; and

WHEREAS, the Benton County Board of County Commissioners approved two additional cash drawers, for a total of five, in resolution 2013-222; and

WHEREAS, the Benton County Clerk's Office has determined that an additional cash drawer, in the amount of $300 is needed to better serve the public; **NOW, THEREFORE**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the request and hereby authorizes the Benton County Clerk's office to add 1 additional cash drawer in the amount of $300, for a total of 6 cash drawers totaling $1800, to be established for the purpose of making change.

Dated this _____ day of _____ 20____

_____
Chairman of the Board

_____
Member

_____
Member

Constituting the Board of County Commissioners
of Benton County, Washington

Attest: _____
Clerk of the Board

Orig: Clerk's Office
Cc: Auditor, Treasurer

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Appropriating funds for C.E. 2102 CRP - Dallas Road Bike Path project
Presenter:	
Prepared By:	S. Christen
Reviewed By:	D. D'Hondt

PA Review, Approval to Form: ☐ Yes ☐ No ☒ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:**	
☒ Consent Agenda	☐ Discussion Only (1st)	☐ Pass Motion
☐ Public Hearing	☐ Discussion Only (2nd)	☒ Pass Resolution
☐ Scheduled Business	☐ Decision/Direction	☐ Pass Ordinance
	☐ Sign Letter/Document	☐ Execute Contract

Summary / Background Information

Per RCW 36.75.050, the Board of County Commissioners, by resolution, shall order the survey, establishment, construction, alteration, or improvement of County roads. A funding resolution has been prepared for the Board to authorize the Dallas Road Bike Path project and appropriate the funds accordingly.

Fiscal Impact

Amount: $650,000.00

Fund: Road Fund (0101-101)

100% of the project costs (up to $650,000.00) will be reimbursed by a Federal Transportation Alternative Program grant through WSDOT Local Programs.

Recommendation

It is recommended by the County Engineer that the Board authorize the Dallas Road Bike Path project and appropriate the funds as detailed.

Suggested Motion

Approve as part of the Consent Agenda.

RESOLUTION

RESOLUTION NO._____

County Engineer Project No. 2102 CRP
Arterial ☒ Access ☐

Item No. 2 in Six Year Road Program 2021-2026

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY ROADS, RE: DALLAS ROAD BIKE PATH PROJECT

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the County Engineer is hereby authorized to proceed with the preliminary surveying and design; prepare necessary plans, specifications, and contract documents; and obtain all required right of way for the construction of CE 2102 CRP - Dallas Road Bike Path Project.

Length of Project: 2.02 ± miles; Width of Roadbed: 39 ft.; Surface: 28 ft.; Pavement: 28 ft.
Type and depth of surfacing: HMA Class 1/2 inch PG 64-28 .
Bridge ____Irrigation Crossing: Length ____ ft.; Width _____ ft.
Estimated date of beginning: May 2020 ; Estimated date of completion: December 2021

BE IT FURTHER RESOLVED, That for the foregoing proper county road purpose there is hereby appropriated sums in the following detail:

	County Road Fund	TAP Funds (Transportation Alternative Program)		Total
Prelim. Engr'g	$ -	$ 45,000.00		$ 45,000.00
Right-of-Way	$ -	$ -		$ -
Mat. from Stkple	$ -	$ -		$ -
Day Labor	$ -	$ -		$ -
Contract	$ -	$ 575,000.00		$ 575,000.00
Const. Engr.	$ -	$ 30,000.00		$ 30,000.00
Contingencies	$ -	$ -		$ -
Total	$ -	$ 650,000.00		$ 650,000.00

The county road purpose herein described is HEREBY DECLARED to be a public necessity and the County Road Engineer is HEREBY ORDERED AND AUTHORIZED to report and proceed thereon as by law provided.

BE IT FURTHER RESOLVED, That this purpose be performed in accordance with the Standard Road and Bridge Specifications of the State of Washington as adopted by this Board.

ADOPTED this 12th day of October, 2021.

_____
Chairman

_____
Chairman Pro-Tem

_____
Member
Constituting the Board of County Commissioners
of Benton County, Washington.

Attest:

_____
Clerk of the Board

Orig.: Public Works
c: Auditor

S. Christen

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Appropriating Funds for C.E. 2101 CRP – Plymouth Road Pavement Overlay Project
Presenter:	
Prepared By:	S. Christen
Reviewed By:	D. D'Hondt

PA Review, Approval to Form: ☐ Yes ☐ No ☒ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:**	
☒ Consent Agenda	☐ Discussion Only (1st)	☐ Pass Motion
☐ Public Hearing	☐ Discussion Only (2nd)	☒ Pass Resolution
☐ Scheduled Business	☐ Decision/Direction	☐ Pass Ordinance
	☐ Sign Letter/Document	☐ Execute Contract

Summary / Background Information

Per RCW 36.75.050, the Board of County Commissioners, by resolution, shall order the survey, establishment, construction, alteration, or improvement of County roads. A funding resolution has been prepared for the Board to authorize the Plymouth Road Pavement Overlay project and appropriate the funds accordingly.

Fiscal Impact

Amount: $1,779,100.00

Fund: Road Fund (0101-101)

100% of the project costs (up to $1,779,100.00) will be reimbursed by a Federal Surface Transportation Program-Rural (STPR) grant through WSDOT Local Programs.

Recommendation

It is recommended by the County Engineer that the Board authorize the Plymouth Road Pavement Overlay project and appropriate the funds as detailed.

Suggested Motion

Approve as part of the Consent Agenda.

RESOLUTION

County Engineer Project No. 2101 CRP
Arterial ☒ Access ☐
Item No. 1 in Six Year Road Program 2021-2026

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY ROADS, RE: PLYMOUTH ROAD PAVEMENT OVERLAY PROJECT

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the County Engineer is hereby authorized to proceed with the preliminary surveying and design; prepare necessary plans, specifications, and contract documents; and obtain all required right of way for the construction of CE 2101 CRP - Plymouth Road Pavement Overlay Project.

Length of Project: 3.88 ± miles; Width of Roadbed: 39 ft.; Surface: 28 ft.; Pavement: 28 ft.
Type and depth of surfacing: HMA Class 1/2 inch PG 64-28 .
Bridge ____Irrigation Crossing: Length ____ ft.; Width _____ ft.
Estimated date of beginning: May 2020 ; Estimated date of completion: September 30, 2022

BE IT FURTHER RESOLVED, That for the foregoing proper county road purpose there is hereby appropriated sums in the following detail:

	County Road Fund	STPR Funds (Surface Transportation Program-Rural)		Total
Prelim. Engr'g		$ 45,000.00		$ 45,000.00
Right-of-Way	$ -	$ -		$ -
Mat. from Stkple	$ -	$ -		$ -
Day Labor	$ -	$ -		$ -
Contract		$ 1,500,000.00		$ 1,500,000.00
Const. Engr.		$ 234,100.00		$ 234,100.00
Contingencies	$ -	$ -		$ -
Total	$ -	$ 1,779,100.00		$ 1,779,100.00

The county road purpose herein described is HEREBY DECLARED to be a public necessity and the County Road Engineer is HEREBY ORDERED AND AUTHORIZED to report and proceed thereon as by law provided.

BE IT FURTHER RESOLVED, That this purpose be performed in accordance with the Standard Road and Bridge Specifications of the State of Washington as adopted by this Board.

ADOPTED this 12th day of October, 2021.

_____
Chairman

_____
Chairman Pro-Tem

_____
Member
Constituting the Board of County Commissioners
of Benton County, Washington.

Attest:

_____
Clerk of the Board

Orig.: Public Works S. Christen
c: Auditor

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Entering into a Lease Agreement with the City of Richland on behalf of Benton County Emergency Services to locate and operate radio equipment at the site known as Golgotha in Klickitat County
Presenter:	
Prepared By:	S. Christen
Reviewed By:	D. D'Hondt, R. Blain, Procurement Department

PA Review, Approval to Form: ☒ Yes ☐ No ☐ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:**	
☒ Consent Agenda	☐ Discussion Only (1st)	☐ Pass Motion
☐ Public Hearing	☐ Discussion Only (2nd)	☒ Pass Resolution
☐ Scheduled Business	☐ Decision/Direction	☐ Pass Ordinance
	☐ Sign Letter/Document	☒ Execute Contract

Summary / Background Information

Benton County Emergency Services (BCES) leases property from McBride Hereford Ranches, located in Klickitat County, known as Golgotha, for the purpose of operating a radio communication antenna facility. BCES has the right to sublease the property to other agencies to allow them to locate and operate radio communication equipment. Benton County has the desire to lease a portion of the Golgotha site.

Benton County Public Works has developed a radio communication network which includes the Golgotha site. The simulcast radio channel broadcasts from several sites within or close to Benton County to provide radio coverage to almost all of the County. Additional site leases will need to be executed when the sites are evaluated in order to continue to use the locations.

A Lease Agreement has been prepared by and between the City of Richland on behalf of BCES, and Benton County to allow Benton County to locate and operate radio communication equipment at the site located in a portion of the NE ¼ of the SE ¼ of Section 3, Township 4 North, Range 23 East, W.M., Klickitat County, Washington.

The City of Richland has asked the Board to sign the lease first and will return a fully executed copy to the County after the Interim City Manager has signed on behalf of BCES.

Fiscal Impact

Amount: $1,850.83 per year adjusted annually based on the site 3 Year Expense Average

Fund: Road Fund (0101-101)

Recommendation

The Director of Operations and Capital Programs recommends the Lease Agreement be approved and signed by the Chairman of the Board.

Suggested Motion

Approve as part of the Consent Agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF BENTON COUNTY ENTERING INTO A LEASE AGREEMENT WITH THE CITY OF RICHLAND ON BEHALF OF BENTON COUNTY EMERGENCY SERVICES TO PERMIT BENTON COUNTY TO LOCATE AND OPERATE RADIO COMMUNICATION EQUIPMENT AT THE SITE KNOWN AS GOLGOTHA, LOCATED IN A PORTION OF THE NE ¼ OF THE SE ¼ OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 23 EAST, W.M., KLICKITAT COUNTY, WASHINGTON

WHEREAS, Benton County Emergency Services (BCES) leases property from McBride Hereford Ranches, located in Klickitat County, known as Golgotha, for the purpose of operating a radio communication antenna facility. BCES has the right to sublease the property to other agencies to allow them to locate and operate radio communication equipment. Benton County has the desire to lease a portion of the Golgotha site; and

WHEREAS, a Lease Agreement has been prepared by and between the City of Richland on behalf of Benton County Emergency Services, and Benton County to allow Benton County to locate and operate radio communication equipment at the site known as Golgotha, located in a portion of the NE ¼ of the SE ¼ of Section 3, Township 4 North, Range 23 East, W.M., Klickitat County, Washington; and

WHEREAS, the Agreement has been approved as to form by our departmental Deputy Prosecuting Attorney; and

WHEREAS, the Director of Operations and Capital Programs recommends the Lease Agreement be approved, it being in the best public interest; **NOW, THEREFORE,**

BE IT RESOLVED that the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the recommendation that the Lease Agreement by and between the City of Richland on behalf of Benton County Emergency Services and Benton County to locate and operate radio communication equipment at the site known as Golgotha, located in a portion of the NE ¼ of the SE ¼ of Section 3, Township 4 North, Range 23 East, W.M., Klickitat County, Washington, is hereby approved and the Chairman of the Board is authorized to sign said lease agreement; and

BE IT FURTHER RESOLVED Benton County will pay $1,850.83 per year for the Agreement term, which shall be adjusted annually based on the site 3 Year Expense Average; and

BE IT FURTHER RESOLVED the term of the Agreement shall commence on this date and be governed by the underlying lease between Benton County Emergency Services and McBride Hereford Ranches, Inc. which expires January 1, 2028 which may be renewed in writing with similar terms and a rental fee adjustment.

Dated this 12th day of October 2021.

_____
Chairman of the Board.

_____
Member.

_____
Member.

Attest:_____
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington.

Orig: Purchasing Dept. S. Christen
Cc: Auditor, Procurement, PA

CO-LOCATION LEASE AGREEMENT

Re: Golgotha

THIS CO-LOCATION LEASE AGREEMENT (the "Agreement") is effective this _____ day of _____, 2021, (the "Effective Date") and entered into by and between the **City of Richland**, a Washington municipal corporation, on behalf of Benton County Emergency Services, an administrative agency created through interlocal agreement pursuant to Ch. 39.34 RCW ("**Lessor**"), and **Benton County Public Works**, a Washington municipal corporation ("**Lessee**"). References in this Agreement to City of Richland include the Benton County Emergency Services Executive Board and the Tri-Cities' regional designated public safety communications management entity, BCES, managed by the City of Richland. Lessee and Lessor are referred to individually herein as a "Party" and collectively as the "Parties."

I. RECITALS

WHEREAS, Lessor leases the real property located in Klickitat County, State of Washington, as described and depicted in the maps shown as Exhibit A-Golgotha Site, McBride Ranch Drawings sheets 2-5 affixed to **Attachment A** to this Agreement (the "Property"); and

WHEREAS, Lessor has the right to sublease the Property to Lessee with consent of the Landlord, McBride Hereford Ranches, Inc; and

WHEREAS, Lessee operates a Transmitter system that serves the area in which the Property is located, and desires to construct upon a portion of the Property a radio communication antenna facility, including but not limited to communication equipment and utilities as described in **Attachment B** in this Agreement (the "Facility"); and

WHEREAS, Lessor and Lessee desire to enter this Agreement for the purpose of permitting Lessee to construct, operate, and maintain the Facility, and for conducting any other lawful activities on that portion of the Property which is subject to this Agreement; and

WHEREAS, the Parties may review additional opportunities to co-locate radio facilities in the future, with additional agreements being executed on a case-by-case basis.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties hereby agree as follows:

II. AGREEMENT

1. LEASE ACCESS.

1.1 Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, on the terms and conditions of this Agreement that portion of the Property which is occupied by Lessee to include a location on the Property to install, maintain and replace the Facilities.

1.2 Lessor hereby grants to Lessee during the term of this Agreement, including any

renewals of this Agreement, an access license over the Property for use by Lessee for motor vehicle access to the Property for the purposes of installing, operating, maintaining and repairing the Facilities.

1.3 Lessee shall have, as appurtenant to the Premises, right to use the common areas relating to the Premises ("Common Areas") throughout the Initial Term or any Extended Term. The uses to be made of the Common Areas shall, unless otherwise agreed by the Parties, conform to the uses made of such Common Areas prior to the commencement of the Agreement Term. Lessee agrees not to utilize Common Areas as storage facilities or an overnight parking area.

2. TERM, COMMENCEMENT AND EXPIRATION.

This Agreement shall commence on the Effective Date first identified above, and the term of this Agreement shall be governed by the underlying lease between Lessor and McBride Hereford Ranches, Inc which expires January 1, 2028 (the "Lease Term"). So long as authorized by the underlying lease, this Agreement may be renewed in writing with similar terms and a rental fee adjustment. Any extension or modifications to the underlying lease may be executed at the sole option of the Lessor. Except as provided by Section 14 Default, this Agreement may be terminated without cause by either Party with twelve (12) months' written notice; provided, however, that Lessor shall give immediate notice to Lessee in the event Lessor's underlying lease with Landlord is terminated, whereupon both Lessor and Lessee shall vacate the premises as required by the underlying lease.

3. RENT.

3.1 In consideration of Lessee's rent, Lessee shall be entitled to the use of the Property at Golgotha. Lessee's rent shall be $ **1,850.83** per year for the Agreement term, which shall be adjusted annually based on the site 3 Year Expense Average. Rent shall be paid in full on an annual basis, with the annual rent payment for the first year of this Lease coming due thirty (30) calendar days from the effective date ("Rent Payment Date"). Thereafter, annual rent shall be due on the anniversary of the Rent Payment Date for the term of this Agreement.

3.2 In the event that a substantial change in either Party's antennae design, operating frequencies or power output occurs, a computer analysis by an engineering consultant may be necessary. The Party proposing the antennae design change is solely responsible for commissioning the analysis and paying all related expenses.

3.3 Lessor will provide Lessee with sufficient space on the Tower and on the Transmitter Site to install necessary base station radio cabinet(s) and to accommodate microwave equipment used by Lessee in the operation of its radio equipment.

4. POSSESSION.

If Lessor is unable to deliver possession of the Property at the commencement of this Agreement, Lessee shall not be liable for any rent until possession is delivered. Lessee may immediately

terminate this Agreement if possession is not delivered within ninety (90) days of the Effective Date hereof.

5. CLEAN-UP.

Lessee shall maintain the Property it occupies in a clean and neat condition.

6. LESSOR'S RIGHT OF ENTRY.

Lessor agrees to permit Lessee and Lessee's agents and representatives to enter upon the Property at reasonable times for the purpose of inspecting the same.

7. USES.

7.1 The Property is to be used only in connection with operation of Lessee's communications equipment and for no other business or purpose without the prior written consent of Lessor. Lessee agrees not to occupy or use, or permit any portion of the Property to be used, for any purpose which is unlawful or deemed to be hazardous.

7.2 Lessee shall install and operate transmission equipment (the "Transmission Equipment") as described in **Attachment B**. Lessee shall update **Attachment B** as and when there are changes in transmission equipment installation configuration. Updated **Attachment B** lists shall be mailed to Lessor.

7.3 Lessee agrees to comply with the Public Safety Communications Site Standards provided in **Attachment C**.

7.3 The Parties mutually agree to comply with all laws, ordinances, orders, rules and regulations (municipal, county, state, and federal) relating to the use, condition or occupancy of the Property.

8. ENVIRONMENTAL MATTERS.

8.1 Lessor represents that it is not aware of any release of Hazardous Substances (as defined below) on the Property. Lessor will indemnify, protect, defend and hold harmless Lessee from and against all claims, suits, actions, causes of action, assessments, losses, penalties, costs, including clean-up costs, damages and expenses, including, without limitation, reasonable attorney's fees, sustained or incurred by Lessee pursuant to any federal, state or local laws, implementing regulations, common law or otherwise, relating to the release by Lessor or its agents, employees or contractors of any hazardous substances, toxic substances and/or contamination of any type whatsoever (collectively, Hazardous Substances) in, upon or beneath the Property.

8.2 With the exception of Hazardous Substances that are legally used in the normal course of its business, neither Lessor nor Lessee will bring to, transport across or dispose of any Hazardous Substances on the Property without the other's prior written approval, which approval will not be unreasonably withheld, except Lessee may keep on the Property substances used in

back-up power units (such as batteries and diesel generators) commonly used in the wireless communications industry. Lessees' use of any approved substances constituting Hazardous Substances must comply with all applicable laws, ordinances and regulations governing such use.

9. INSURANCE; INDEMNIFICATION.

Lessee agrees to provide and maintain general liability and property damage coverage, which shall include motor vehicle liability and property damage coverage, with limits of not less than $2,000,000 per occurrence. Lessee shall provide a certificate of insurance and required endorsements identifying City of Richland and BCES as an additional insureds. In the event Lessee is a governmental entity that is self-insured or belongs to a risk pool, a letter evidencing the required coverage will satisfy this insurance requirement. Said coverage shall not be discontinued or reduced without thirty (30) days prior written notice to Lessor. Lessee is obligated to defend, indemnify and hold Lessor harmless from all liabilities resulting from its use of the Property and work performed by Lessee or persons performing under Lessee's direction and authority at this Property.

10. ASSIGNMENT AND SUBLETTING.

Lessee may not assign this Agreement without prior written consent of Lessor. Lessee will not sublease any portion of the Property.

11. SURRENDER OF PREMISES.

Within ninety (90) days of expiration or termination of this Agreement, Lessee shall, at its expense: (i) remove its Facilities located at the Property; and (ii) quit and deliver up the Property to Lessor peaceably and quietly in as good order and condition as the same was on the date hereof, ordinary wear and tear excepted. Lessee shall repair any damage to the Site resulting from the removal of Lessee's property.

12. QUIET ENJOYMENT.

Lessor covenants that Lessee shall, and may peacefully have, hold and enjoy the Property, subject to the provisions of this Agreement, provided Lessee pays the Rent herein recited and performs all of Lessee's covenants and agreements herein contained.

13. COSTS AND ATTORNEYS FEES.

If by reason of any default on the part of Lessee it becomes necessary for Lessor to employ an attorney, or in case Lessor shall bring suit to recover any Rent due hereunder, or for breach of any provision of this Agreement or to recover possession of the Property, or if Lessee shall bring any action for any relief against Lessor, declaratory or otherwise, arising out of this Agreement, then the non-prevailing Party in such action shall pay the other Party's reasonable attorney's fees and all reasonable costs incurred by it in connection with such default or action.

14. DEFAULT.

During the term of this Agreement, either Party may terminate this Agreement for cause. Cause shall mean a default on any of the material obligations under this Agreement, including but not limited to the following:

a. Failure to pay rent; or
b. Failure to abide by the rules for site access or for location of equipment within the site; or
c. Failure of either Party to perform any obligation under the sublease; or
d. Lack of funding available to either Party to carry on the activity; or
e. Loss of underlying lease to the site.

Termination for cause shall be preceded by a Notice to Correct given to the breaching party sixty (60) days' prior to the effective date of termination. If the basis for termination is cured by the notified Party within the (60) sixty day notice period, termination will not be implemented. If the breaching Party demonstrates substantial efforts to cure the basis for the termination, an additional sixty (60) days will be granted to correct. If the breaching party fails to take sufficient action to cure the breach, termination shall be effective on the sixty-first (61^{st}) day from the date the Notice to Correct was given.

15. INTERFERENCE.

15.1 Lessee shall not cause, by its transmission or activities at the Property, interference of any kind whatsoever to the activities or facilities of Lessor or others who have entered into an Agreement with Lessor prior to the execution of this Agreement (unless the other party has modified its transmission or activities after Lessee has executed the Agreement). If such interference occurs and cannot be reduced to levels reasonably acceptable to Lessor, Lessee must immediately cease such transmissions from the Property upon notice from Lessor until such interference is eliminated. If such interference cannot be eliminated within a reasonable time as shall be reasonably established by Lessor's consulting engineer, which shall not be less than ten (10) business days, then Lessor may elect to terminate this Agreement by giving ten (10) days prior written notice to Lessee. As used in this Agreement, "interference" means a condition existing which causes degradation of a transmission signal or otherwise constitutes interference within the meaning of the provisions of the recommended practices of the Electronics Industries Association and the rules and regulations of the FCC then in effect.

15.2 Lessee shall be afforded, and Lessor shall provide, the same interference protection described in 15.1 from any party that becomes a Lessee after execution of this Lease.

16. NOTICES.

Except as otherwise specifically set forth herein, any demand, request or notice which either Party hereto desires, or may be required to make or deliver to the other, shall be in writing and shall be deemed given when personally delivered, or when delivered by private courier service that customarily delivers on the next business day and issues receipts (such as Federal Express), or three (3) days after being deposited in the United States mail, in registered or certified form, return receipt requested, addressed as follows:

To Lessor:
Benton County Emergency Services
Attn: Executive Board
651 Truman Avenue
Richland, WA 99352

To Lessee:
Benton County Public Works
PO Box 1001
Prosser, WA 99350
robert.blain@co.benton.wa.us

And to:
City Manager
City of Richland
625 Swift Boulevard
Richland, WA 99352

or to such other address, and/or person as either Party may communicate to the other by like written notice.

17. MISCELLANEOUS.

17.1 Binding Effect. This Agreement shall be binding upon and inure to the benefit of Lessor, its successors and assigns, and shall be binding upon and inure to the benefit of Lessee, its successors and assigns.

17.2 Severability. Lessor and Lessee intend for this Agreement to comply with FCC rules, regulations and policies, the applicable state and local laws and regulations, and any covenants or restrictions of record. If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect. The Parties agree that if any provisions are deemed unenforceable, they shall be deemed modified to the extent necessary to make them enforceable.

17.3 Authorized Signatories. The persons who have executed this Agreement represent and warrant that they are duly authorized to execute this Agreement in their individual or representative capacity as indicated.

17.4 Law and Venue. The terms hereof shall be construed according to the laws of Washington State. Venue shall be Benton County County.

17.5 Captions. The captions in the Agreement are for convenience only and are not part of this Agreement.

17.6 Authority. Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity represents and warrants that he or she is fully authorized to so execute and deliver this Agreement on behalf of the entity or party for which he or she is signing. The parties hereby warrant to each other that each has full power and authority to enter into this agreement and to undertake the actions contemplated herein, and that this agreement is enforceable in accordance with its terms.

17.7 Counterpart Originals. Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

18. COMPLETE AGREEMENT.

This Agreement represents the entire agreement between Lessor and Lessee with respect to the subject matter addressed herein. No representations have been made by either Party that are not fully contained herein.

[Signature page to follow]

LESSOR:

By: _____
Jon Amundson, ICMA-CM
Interim City Manager, on behalf of BCES

LESSEE:

_____
Jerome Delvin, Chairman
Board of Benton County Commissioners

Approved as to Form:

_____
Reid Hay, Civil Deputy Prosecuting Attorney

ACKNOWLEDGEMENTS

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

I certify that I know or have satisfactory evidence that **Jon Amundson, Interim Richland City Manager**, personally appeared before me and acknowledged that he signed this instrument and acknowledged it as his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

_____
Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing in Richland, WA

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that **Jerome Delvin, Benton County Commissioner** personally appeared before me and acknowledged that he/she signed this instrument and acknowledged it as his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

_____
Printed Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing in Prosser, WA

ATTACHMENT A
DESCRIPTION OF PROPERTY

RADIO SITE LEASE AGREEMENT

THIS LEASE made this 12 day of December, 2008 by and between BENTON COUNTY EMERGENCY SERVICES (BCES) 651 Truman Av. Richland Washington (hereinafter called LESSEE), and McBride Hereford Ranches, Inc. 1350 Hale Rd. Mabton Washington, (hereinafter called LESSOR):

WHEREAS, LESSOR is a private citizen and land owner in Klickitat County, State of Washington; and

WHEREAS, LESSEE is an Interlocal governmental agency organized and operating under Chapter 39.94, et seq. of the Revised Code of Washington State;

WHEREAS, LESSEE has as its purpose the provision of public safety communications to its constituency of government entities providing law enforcement, fire protection, emergency medical, disaster mitigation and recovery, and other services of benefit to the health, safety and welfare of the community;

WHEREAS, LESSOR is the owner of certain real property as more particularly described in Exhibit A attached hereto and made a part hereof by reference ("Property"); and

WHEREAS, LESSEE desires to Lease the Property for public safety communications purposes including without limitation, communication towers, buildings, and all items reasonably relating thereto; and

WHEREAS, the parties desire to enter in to a Lease agreement defining the rights, duties and liabilities relating to the Property;

WITNESSETH:

For and in consideration of the mutual covenants, agreements, and stipulations contained herein, the parties agree as follows:

1. PROPERTY: LESSOR does hereby Lease to LESSEE, and the LESSEE Leases from the LESSOR, for the term, rental and upon all conditions hereinafter set forth, that certain Property particularly described in Exhibit A.
2. TERM: This Lease shall be for the term of twenty years ("Lease Term") from the execution date of this agreement.
3. OPTION TO RENEW: This Lease may be renewed at the end of the first twenty year term. The terms of the next Lease period shall be re-negotiated at that time. The re-negotiation period shall be ninety days, and shall be the ninety days immediately preceding the last ninety days of the initial twenty year Lease period. LESSEE shall have the right to waive the option to renew by giving ninety days advance written notice to LESSOR prior to the expiration of the current term. If LESSEE gives such notice, this Lease shall terminate upon expiration of the then current term. LESSOR shall have the right to waive the option to renew by giving one hundred eighty days advance written notice to the LESSEE prior to the expiration of the current term. If LESSOR gives such notice, this Lease shall terminate upon the expiration of the then current term.

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4. RENT: LESSEE hereby covenants and agrees to pay LESSOR rent, at LESSOR'S address: 1350 Hale Rd. Mabton, WA 98935.
    a. The annual rent payable during the terms of this Lease shall be Nine Thousand Six Hundred dollars, which shall be paid in the month of January of each calendar year. In addition, LESSEE agrees to pay Twenty Five percent of the gross revenues received by the LESSEE, or any assignee or sub LESSEE, from rentals, licenses and/or permits of equipment and/or space on or in structures at the site, excepting any revenue received in return for the fulfillment of LESSEE'S public safety communications commitments to its constituent agencies. LESSEE shall provide LESSOR with an accounting of gross revenues from rentals, licenses and/or permits of equipment and/or space on or in structures at the site each year and shall remit to LESSOR a portion of Twenty Five percent of the gross revenues received by LESSEE less amount of revenues received in return for the fulfillment of Lessee's public safety communications commitments to its constituent agencies within thirty days of the end of each calendar year during the term of this Lease or any renewal.
    b. LESSEE shall pay LESSOR twelve percent interest per annum on any rent not paid within thirty days of the due date, which interest shall accrue from the due date.
    c. Rent rate for the following year shall be calculated in October of each year by taking the mean average of the Consumer Price Index for All Urban Consumers (CPI-U): U.S. City Average as published by the United States Bureau of Labor Statistics for the first six months of the current year and the last six months of the previous year and applying the percentage change to the current rent rate; provided, the rental rate shall not be decreased as a result of this adjustment;
    d. For periods of use less than a full calendar years, rent shall be calculated on a pro rata basis representing the number of days LESSEE has use of and access to the Property. The rate used shall be the rate in effect on the last day of LESSEE's use and access. Payment for partial periods is due within thirty days of the last day of LESSEE's use and access. Late payment is subject to the penalty provision of this Lease.
5. PERMITTED USE: The location on LESSOR's Property which LESSEE is occupying and installing its facilities is and shall be referred to as the "Site," which is more particularly described in Exhibit B attached hereto and made a part hereof by this reference.
    a. LESSEE shall have the right, at its own expense, to install, construct, reconstruct and maintain on the Site communications facilities including, without limitation, radio and other communication transmitting and receiving antennas, support mounts, cables, equipment, equipment storage structures, above and/or underground propane fuel storage tanks, aviation hazard lights, security fences and other improvements relating thereto (collectively the "Communications Facilities") for the provision of wireless communications services. LESSEE shall have the right to modify, supplement, replace, upgrade or relocate the Communication Facilities on the Property at any time during the term of the Lease so long as said relocation, replacement or upgrade is made for the purpose of improving the operation of its Communication Facilities, subject to the provisions of this Lease as detailed below;

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b. LESSEE shall have the right, and LESSOR shall grant, easements across and over adjoining Property owned by LESSOR for microwave paths, including the right to remove vegetation and prevent construction of other structures that could block a microwave path including wind generators and antenna support structures;

c. LESSEE, assigns and sub-LESSEEs shall be entitled to reasonable access to the Site twenty four hours a day, seven days per week, and shall have all additional rights of ingress and egress to and from the Site; provided, except in the case of an emergency, LESSEE shall notify LESSOR in advance of LESSEE'S proposed construction to be performed on the Site in order to coordinate said activity with LESSOR's operations;

d. LESSEE has the right, in case of an emergency, to construct or modify Communications Facilities required for restoration and/or commencement of service without notifying LESSOR; provided, however, that such notification is made by LESSEE to LESSOR as soon as possible;

e. LESSOR grants to LESSEE the non-exclusive right of access for utility purposes across and over adjoining Property owned by LESSOR upon existing roadways now used to service the Property;

f. LESSEE shall have the right, at its expense, to install or improve utilities within or on the Property to service this Site, said utilities including but not limited to electricity, telephone, and water.

6. CO-LOCATION:

a. LESSEE has the right to solicit, sublet, and allow construction and operation of additional wireless communications facilities on the Property in return for revenue; provided, that LESSOR is entitled to Twenty Five percent of all gross revenue received by LESSEE from such activities less amount of revenues received in return for the fulfillment of Lessee's public safety communications commitments to its constituent agencies; provided further, LESSOR may prohibit, on a case by case basis, any proposed construction exceeding twenty feet above ground level. LESSEE agrees to notify LESSOR of any new structure at least thirty days prior to the beginning of construction; provided, LESSOR may waive such right to notification. Such notification is expressly waived by LESSOR in the case of temporary emergency construction.

7. INTERFERENCE:

a. LESSEE agrees to participate in the coordination of use of the Property so as not to interfere with the existing use by LESSOR or tenants or licensees of LESSOR holding rights to use of property owned by LESSOR within reasonable distance of the Leased Property. LESSOR agrees to coordinate determination of interference among its own facilities and those of its tenants and licensees.

b. LESSOR warrants to LESSEE the use and quiet enjoyment of the Property. LESSOR agrees that it shall not use, nor shall it permit its tenants, LESSEEs, employees, invitees or agents to us any portion of the Property in any way which would interfere with the operation of LESSEE, provided that continued use by LESSOR or existing tenants in the same manner as existed at the time the Lease was executed shall not constitute interference with LESSEE'S operations.

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8. TAXES: LESSOR shall pay on or before the last day on which payment may be made without penalty or interest, all taxes, assessments, or other governmental charges that shall or may be imposed on the Property or any part thereof.

9. HOLD HARMLESS: The LESSEE hereby agrees to indemnify, defend and hold harmless the LESSOR from any and all liability from damages to persons or property arising from LESSEE'S activities on the property. LESSOR shall likewise indemnify, defend and hold harmless the LESSEE from liability arising from LESSOR'S activities on the property.

10. INSURANCE: LESSEE shall maintain liability insurance on the Communications Facilities with a minimum coverage of two million dollars ($2,000,000.00).

11. TERMINATION: This Lease may be terminated as follows:

    a. By LESSOR if LESSEE fails to cure a default for payment of amounts due hereunder within thirty days after LESSEE'S receipt of written notice of default from LESSOR;

    b. By the non-defaulting party if the other party defaults (other than a default as described in section 11(a) above) and fails to cure such default within sixty days after written notice of default is received by the defaulting party from the non-defaulting party; provided that if such default is capable of being cured, the Lease may not be terminated so long as the defaulting party commences appropriate curative action within such sixty day period and thereafter diligently prosecutes such cure to completion as promptly as possible;

    c. By LESSEE upon ninety days prior written notice, in which case LESSEE shall restore Property as close to its original state as possible; provided, LESSOR may waive said restoration;

    d. By LESSEE upon thirty days written notice if it is unable to obtain local building or zoning permits or licenses required to operate the Communications Facilities;

    e. If the Property is or becomes unacceptable to Lessee under Lessee's design or engineering specification for its Communications Facilities or if Lessee elects to terminate this agreement due to interference.

12. CONDEMNATION: Rights and duties in the event of condemnation are as follows:

    a. If the whole of the Property shall be taken or condemned by any competent authority for any public or quasi-public use or purpose, this Lease shall cease and terminate as of the date on which title shall vest thereby in that authority, and the rent reserved hereunder shall be apportioned and paid up to that date.

    b. If only a portion of the Property shall be taken or condemned, then this Lease and the term hereof shall terminate at the option of LESSEE. If LESSEE does not so elect, the rent

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payable after the date on which LESSEE shall be required to surrender possession of such portion shall be reduced in proportion to the decreased use suffered by LESSEE as the parties may agree or as shall be determined by arbitration.

c. In case of any governmental action not resulting in the taking or condemnation of any portion of the Property but creating a right to compensation therefore, or if less than a fee title to all or any portion of the Property shall be taken or condemned by any governmental authority for temporary use or occupancy, this Lease shall continue in full force and effect without reduction or abatement of rent, and the rights of the parties shall be unaffected by the other provisions of this section, but shall be governed by applicable law.

13. ENTIRE AGREEMENT: This Lease constitutes the entire agreement of the parties, and supersedes all prior agreements, contracts and understandings, written or oral. This Lease cannot be terminated, amended or modified except by a written instrument executed by LESSOR and LESSEE, except as set forth herein.

14. BINDING ON HEIRS. SUCCESSORS AND ASSIGNS: The covenants and agreements of this Lease shall be binding upon the legal representatives, heirs, executors, administrators, successors and assigns of both parties hereto, except as herein above provided.

15. NOTICE: Any notice required to be given by either party to the other shall be deposited in the United States mail, postage prepaid, addressed to LESSOR at: 1350 Hale Rd. Mabton Washington 98935, or to LESSEE, at 651 Truman Ave., Richland Washington 99352. Either party hereto may, from time to time, by notice to the other, designate a different address which shall be substituted for the addresses specified above.

16. APPLICABLE LAW: This agreement shall be governed by and construed in accordance with the laws of the State of Washington.

17. INVALIDITY: Any provision of this Lease which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any of the other provisions hereof and such other provisions shall remain in full force and effect despite such invalidity or illegality.

18. RECORDING: This lease shall be recorded at Lessor's direction and cost within 10 days from the date of execution as set forth above.

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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the date first above written.

By: Lessor

Name: Gary Hess Gary R Hess

Title: Landowner / MHR Inc.

Date: 12/12/08

By: Benton County Emergency Services

Name: Max Benitz Max E Benitz

Title: Chair of BCES Executive Board

Date: 12-19-08

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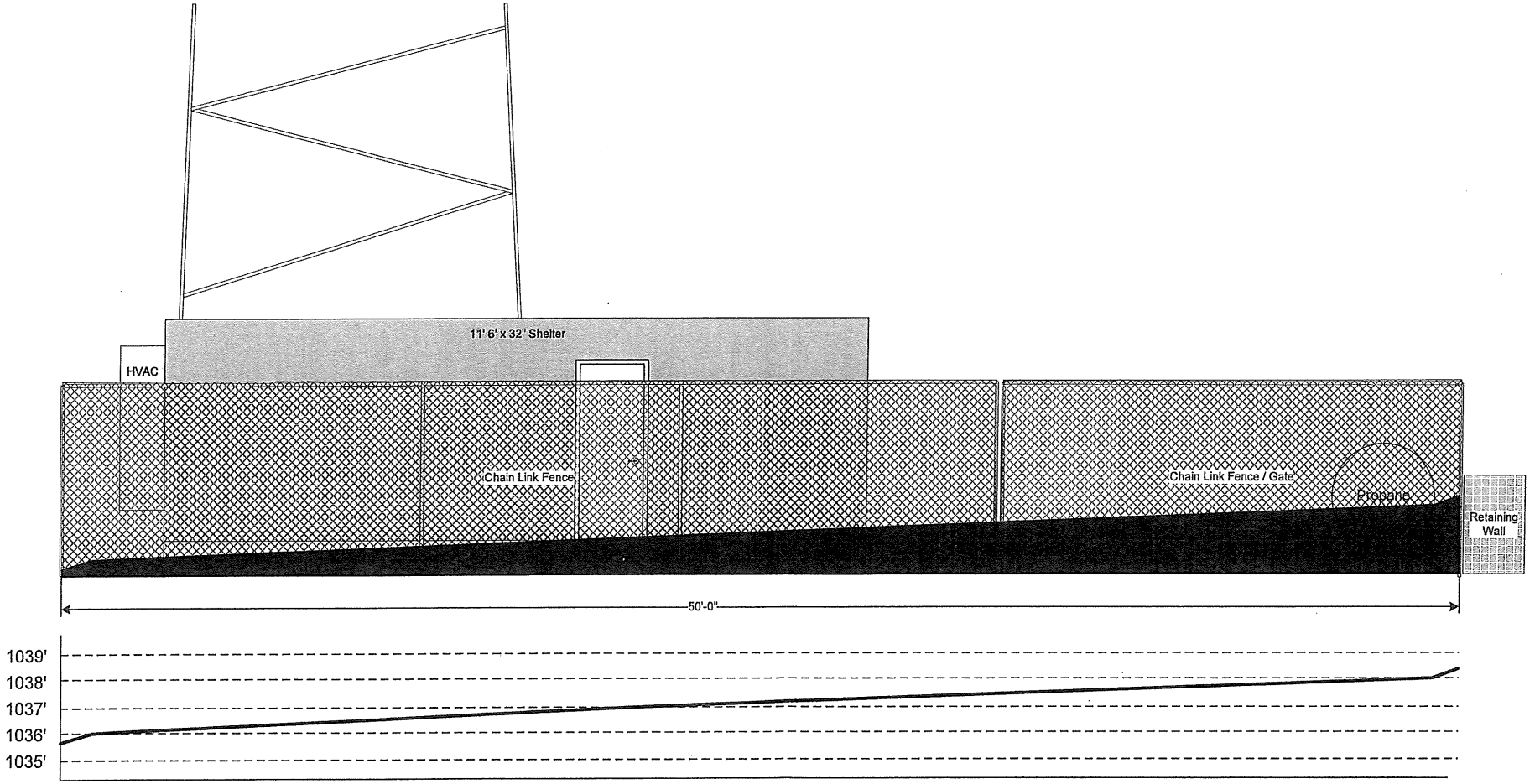
Exhibit A

Golgotha Site, McBride Ranch Drawings

BCES P25 RADIO UPGRADE
GOLGOTHA BUTTE – PROPOSE LAND USAGE
EAST ELEVATION VIEW WITH GROUND CUT AWAY - FACING WEST

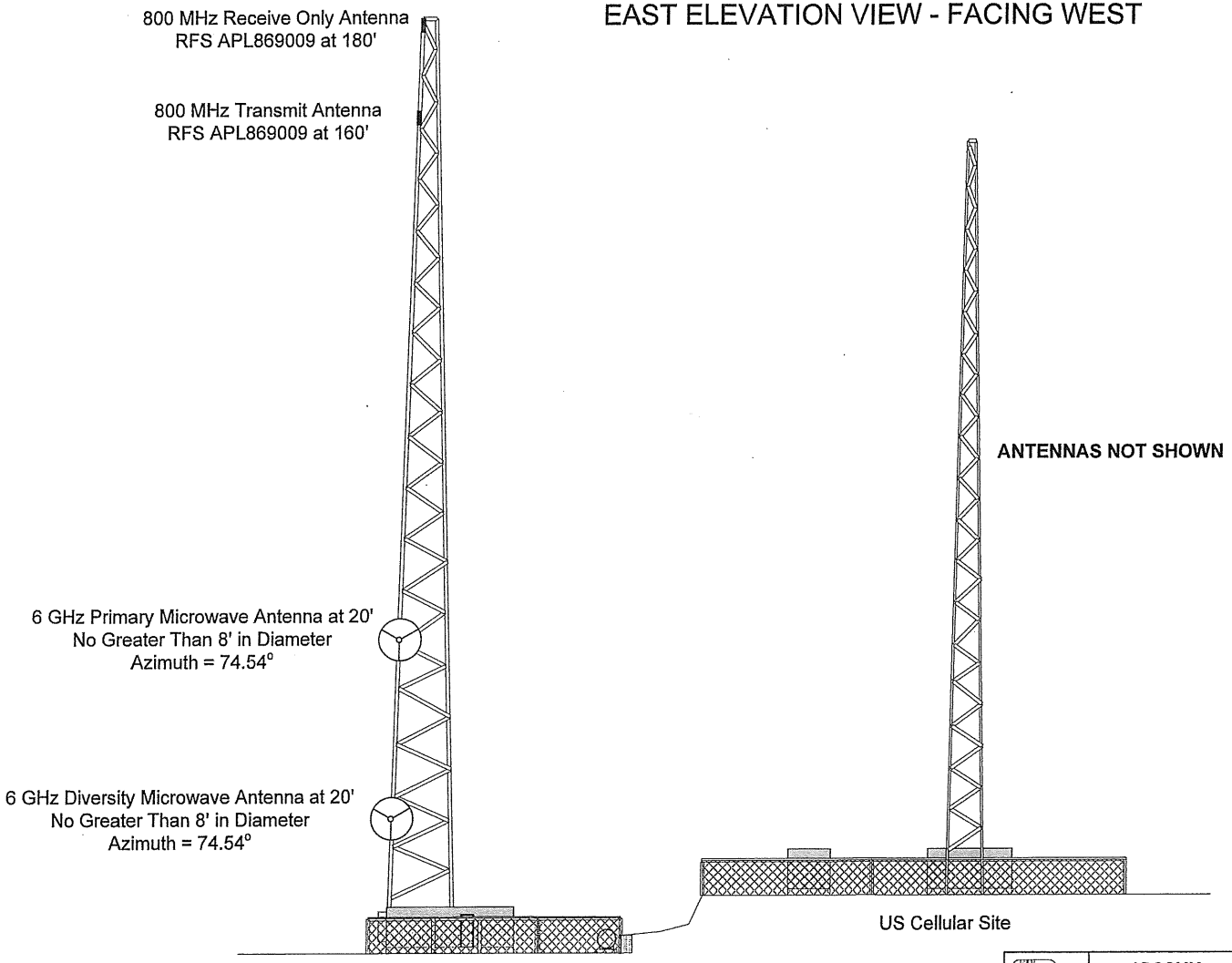
180' Freestanding Tower



Existing Ground Elevation at Eastern Boundary

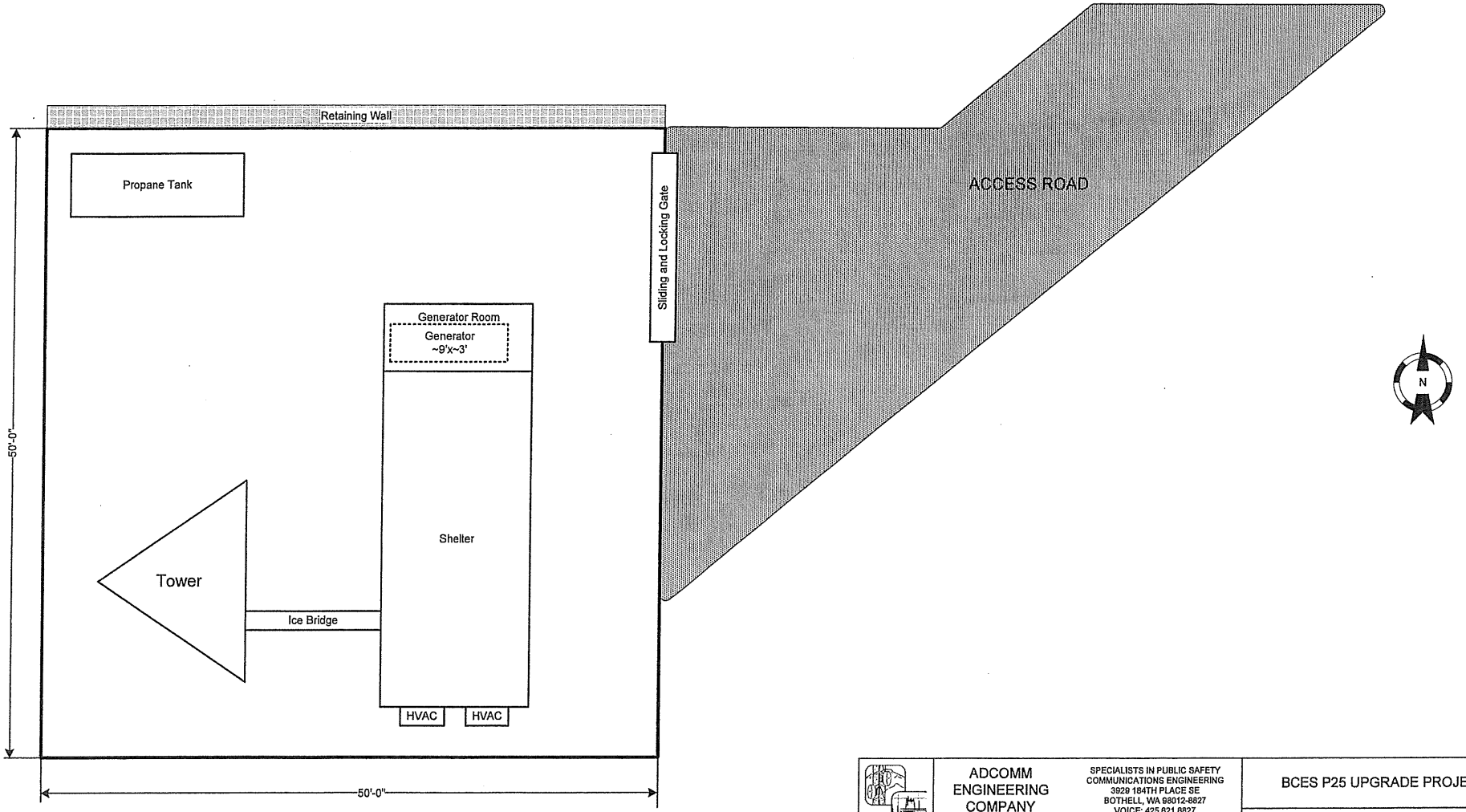
	ADCOMM ENGINEERING COMPANY www.adcommeng.com	SPECIALISTS IN PUBLIC SAFETY COMMUNICATIONS ENGINEERING 3929 184TH PLACE SE BOTHELL, WA 98012-6827 VOICE: 425.821.6827 FAX 425.488.3952			BCES P25 UPGRADE PROJECT				
DATE	11 – 14 - 08	DWG#	PN0544		GOLGOTHA BUTTE LAND USAGE PERMITTING				
PREPARED BY	PETER C. ABRAHAM	SCALE	NONE	SHEET	2 OF 5	SIZE	Draft	REV	-

BCES P25 RADIO UPGRADE
GOLGOTHA BUTTE – PROPOSE LAND USAGE
EAST ELEVATION VIEW - FACING WEST



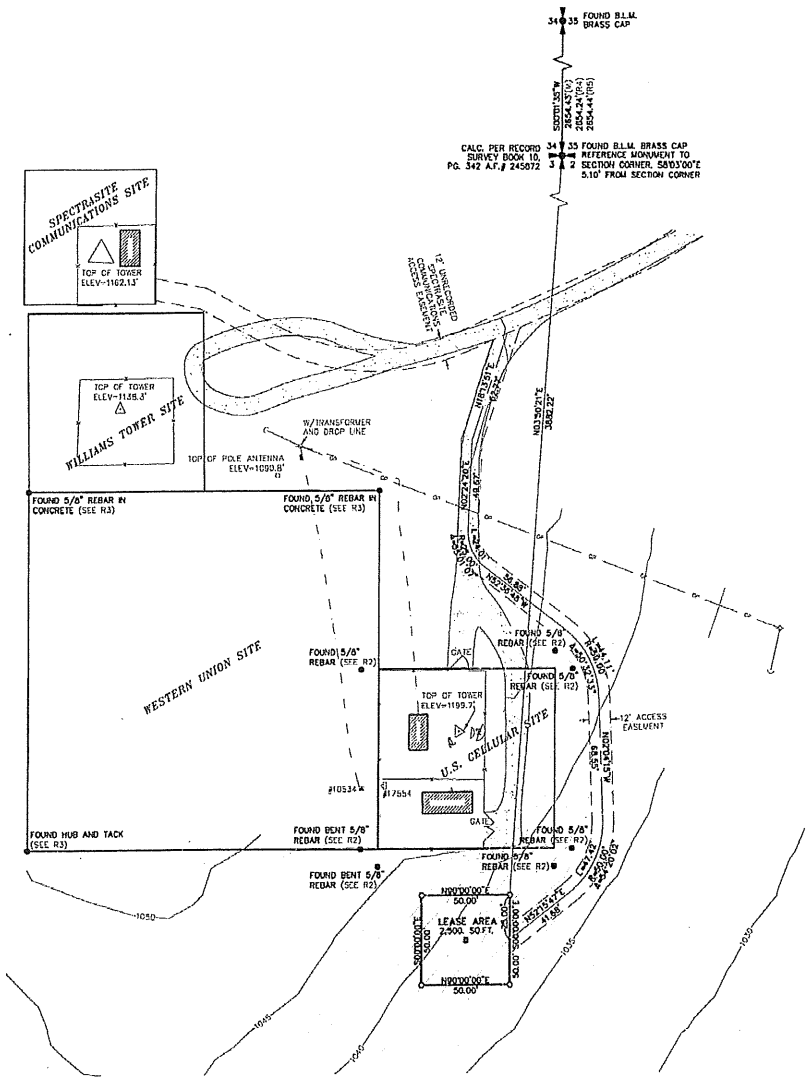
	ADCOMM ENGINEERING COMPANY www.adcommeng.com	SPECIALISTS IN PUBLIC SAFETY COMMUNICATIONS ENGINEERING 3929 184TH PLACE SE BOTHELL, WA 98012-8827 VOICE: 425.821.6827 FAX 425.488.3952		BCES P25 UPGRADE PROJECT	
				GOLGOTHA BUTTE LAND USAGE PERMITTING	
DATE	11 – 14 - 08	DWG#	PN0544		
PREPARED BY	PETER C. ABRAHAM	SCALE	NONE	SHEET 3 OF 5	SIZE Draft REV -

BCES P25 RADIO UPGRADE
GOLGOTHA BUTTE – PROPOSE LAND USAGE
SITE PLAN

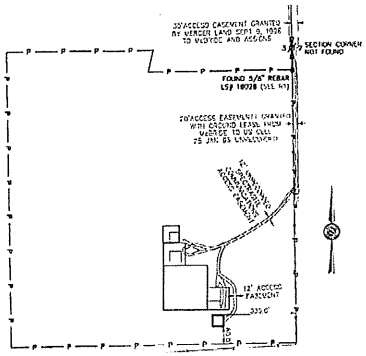


	ADCOMM ENGINEERING COMPANY www.adcommeng.com	SPECIALISTS IN PUBLIC SAFETY COMMUNICATIONS ENGINEERING 3929 184TH PLACE SE BOTHELL, WA 98012-8827 VOICE: 425.821.6827 FAX 425.488.3952			BCES P25 UPGRADE PROJECT				
					GOLGOTHA BUTTE LAND USAGE PERMITTING				
DATE	11 – 14 - 08	DWG#	PN0544						
PREPARED BY	PETER C. ABRAHAM	SCALE	NONE	SHEET	4 OF 5	SIZE	Draft	REV	-

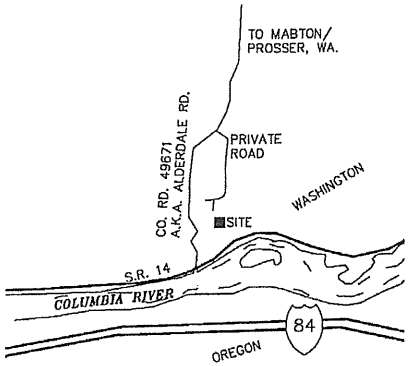
BCES P25 RADIO UPGRADE
GOLGOTHA BUTTE – PROPOSE LAND USAGE
GEOGRAPHIC SITE PLAN



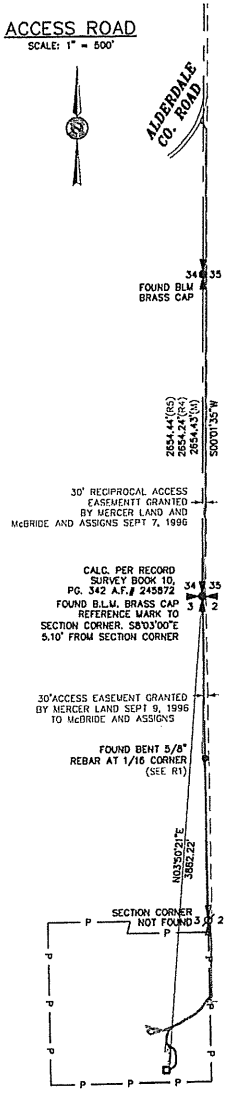
SITE ON PARENT PARCEL



PARENT PARCEL



VICINITY MAP



PROPOSED TOWER CENTER

NAD 83 (CORS 96)
LATITUDE: 45°51'18.14"
LONGITUDE: -119°54'37.44"
NAVD 88 ORTHO
GROUND ELEV. = 1039.0'

DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 23 EAST, W.M., KLICKITAT COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHEAST CORNER OF SAID SECTION 3, WHICH BEARS SOUTH 00°01'35" WEST 2654.43 FEET FROM THE EAST QUARTER CORNER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 23 EAST, W.M.; THENCE SOUTH 03°50'21" WEST ALONG A RANDOM LINE 3862.22 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST 50.00 FEET; THENCE SOUTH 90°00'00" WEST 50.00 FEET; THENCE NORTH 00°00'00" WEST 50.00 FEET; THENCE NORTH 90°00'00" EAST 50.00 FEET TO THE SAID TRUE POINT OF BEGINNING

TOGETHER WITH AN EASEMENT FOR ACCESS 12.00 FEET IN WIDTH EXTENDING FROM THE EAST LINE OF THE HEREIN DESCRIBED SITE TO THE SOUTHERLY LINE OF AN EXISTING, UNRECORDED SPECTRASITE COMMUNICATIONS ACCESS EASEMENT, THE CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED SITE; THENCE SOUTH 00°00'00" EAST 23.00 FEET TO TRUE POINT OF BEGINNING; THENCE NORTH 25°15'47" EAST 41.68 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS POINT WHICH BEARS NORTH 37°44'13" WEST 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°20'02" AN ARC LENGTH OF 47.42 FEET; THENCE NORTH 03°04'15" WEST 88.55 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE RADIUS POINT WHICH BEARS SOUTH 87°55'45" WEST 50.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°33'33" AN ARC LENGTH OF 44.11 FEET; THENCE NORTH 53°38'48" WEST 58.88 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, THE RADIUS POINT WHICH BEARS NORTH 37°23'12" EAST 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55°01'07" AN ARC LENGTH OF 24.01 FEET; THENCE NORTH 01°24'20" EAST 48.67 FEET; THENCE NORTH 18°13'51" EAST 82.37 FEET TO THE SOUTHERLY LINE OF SAID EXISTING ACCESS EASEMENT AND THE TERMINUS OF SAID CENTERLINE.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND RESTRICTIONS OF RECORD AND IN VIEW.

LEGEND

- O = 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "STRATTON 14120" TO BE SET IN THE FUTURE BEFORE CONSTRUCTION
- ● = FOUND AS INDICATED
- (NS)Ø = NOT FOUND OR SET
- ⊞ = SET HUB AND TACK FOR PROPOSED CENTER OF TOWER
- OP = OVERHEAD POWER LINE
- X = FENCE
- = LEASE BOUNDARY
- P P = PARENT PARCEL
- = POWER TRENCH
- = POWER METER
- = POWER POLE
- = GUY WIRE
- = TRANSFORMER
- = DISH MOUNTED ON TOWER
- = TOWER
- = EXISTING DIRT ROAD
- = BUILDING
- = ASPHALT
- (R1) = RECORD OF SURVEY FILED IN BOOK 10, PAGE 494, AF# 256952
- (R2) = RECORD SURVEY FILED IN BOOK 10, PAGE 342, AF# 245872 FOR THE U.S. CELLULAR TOWER SITE
- (R3) = RECORD OF SURVEY FILED IN BOOK 7, PAGE 14, AF# 200864
- (R4) = SHORT PLAT FILED IN VOLUME 2, PAGE 647, AF# 1049000
- (R5) = RECORD OF SURVEY FILED IN BOOK 10, PAGE 532, AF# 260908
- (M) = MEASURED
- B.L.M. = BUREAU OF LAND MANAGEMENT

ADCOMM ENGINEERING COMPANY
www.adcommeng.com
SPECIALISTS IN PUBLIC SAFETY COMMUNICATIONS ENGINEERING
3929 184TH PLACE SE
BOTHELL, WA 98012-6827
VOICE: 425.821.8827
FAX 425.486.3952

DATE	11 – 14 - 08	DWG#	PN0544	BCES P25 UPGRADE PROJECT				
PREPARED BY	PETER C. ABRAHAM	SCALE	NONE	GOLGOTHA BUTTE LAND USAGE PERMITTING	SHEET 5 of 5	SIZE Draft	REV -	

ATTACHMENT B
LESSEE'S SITE EQUIPMENT

ATTACHMENT B

BENTON COUNTY'S GOLGOTHA SITE EQUIPMENT

Repeater:
GE-Ericsson Mastr III
Model: SXHM01
Serial: 1621437

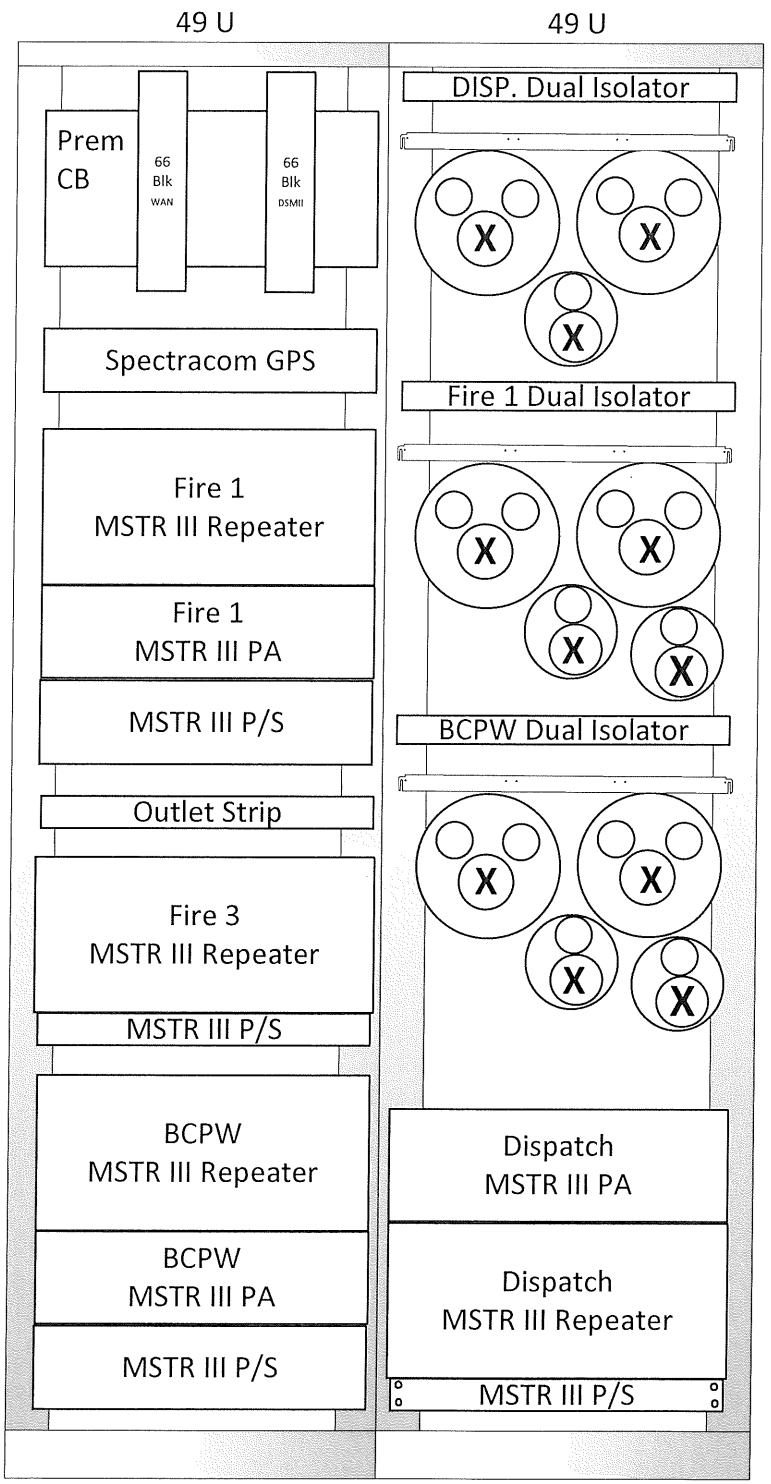
Base Station Power Supply:
GE-Ericson
Model: 19A149978P1
Serial: N/A

Repeater Frequencies:
Repeater TX – 153.4700 MHz
Repeater RX – 153.7550 MHz

Call Sign:
WRJD584

Licensed TX power:
110 Watts

ERP:
100 Watts


49 U
49 U
Prem CB
66 Blk WAN
66 Blk DSMII
Spectracom GPS
Fire 1 MSTR III Repeater
Fire 1 MSTR III PA
MSTR III P/S
Outlet Strip
Fire 3 MSTR III Repeater
MSTR III P/S
BCPW MSTR III Repeater
BCPW MSTR III PA
MSTR III P/S
DISP. Dual Isolator
Fire 1 Dual Isolator
BCPW Dual Isolator
Dispatch MSTR III PA
Dispatch MSTR III Repeater
MSTR III P/S

ATTACHMENT C
PUBLIC SAFETY COMMUNICATIONS SITE STANDARDS (IEEE & R-56)

ATTACHMENT C
PUBLIC SAFETY COMMUNICATIONS SITE STANDARDS (IEEE & R-56)

1. Lessor retains the right to inspect user's equipment at any reasonable time to ensure compliance with site standards presently in effect or as may be amended. This clause shall not be construed as a duty to inspect. At the time equipment installation Lessor will provide an installation inspection for site standards and provide written signature of approval that the installed equipment meets the requirements of the agreement.

2. Each transmitter at the site will be identified with a copy of the Federal Communications Commission (FCC) License, Lessor document number, name of person or service agency responsible for repairs, their telephone number, equipment receive frequency, and equipment transmit/receive tone frequencies. Only FCC type accepted transmitters will be allowed on Lessor's sites.

3. All communications fixed transmitter installations shall employ isolators or alternative techniques meeting the same criteria, to minimize spurious radiation and intermodulation products. Additional filtering required according to frequency and interconnect devices are listed below:

    a. Transmitters in the 25 to 54MHz range shall have isolation of at least 20dB followed by a low pass filter, then a band pass filter or cavity providing a minimum of 30dB attenuation removed 1.0MHz from the operating frequency.

    b. Transmitters in the 66 to 88MHz range shall have at least 25dB isolation followed by a band pass cavity providing at least 20dB of attenuation 1.0MHz from the operating frequency.

    c. Transmitters in the 88 to 108MHz range operating at a power level of 350 watts or less shall have at least 25dB of isolation followed by a band pass cavity providing at least 25dB of attenuation 1.0MHz from the operating frequency.

    d. Transmitters in the 88 to 108MHz range operating at a power level greater than 350 watts shall have a band pass cavity providing at least 25dB of attenuation 1.0MHz from the operating frequency.

    e. Transmitters in the 130 to 225MHz range shall have at least 50dB of isolation followed by a low pass filter and band pass cavity with a minimum of 25dB attenuation 1.0MHz removed from the operating frequency.

    f. Transmitters in the 400 to 470MHz range shall have at least 50dB of isolation followed by a low pass filter and band pass cavity with a minimum of 15dB of attenuation 1.0MHz removed from the operating frequency.

    g. Transmitters in the 806 to 960MHz range shall have at least 50dB of isolation followed

by a low pass filter and band pass cavity with a minimum of 15dB attenuation 2.0MHz removed from the operating frequency.

h. All notch type duplexers must be preceded by a Band Pass Device (BPD) as listed above.

i. Additional filters, BPD's, isolators and other protection will be required to solve any specific interference problems caused by the TENANT's equipment.

4. General Engineering Standards shall be observed as follows:

a. A band pass cavity or crystal filter is recommended at the input of all receivers. Its purpose is to protect against RF energy "off frequency" from mixing in a non-linear device such as the first RF amplifier in a receiver, which can re-radiate causing interference.

b. Every effort should be made to use combiners where possible to eliminate multiple antennas that are operating in the same frequency spectrum. This will help with interference as well as help to mitigate tower over loading at the sites.

c. The band reject duplexer (cross notch duplexer) may not be used without a cavity/isolator outlined in the above section.

d. Single braid coax cable is not to be used. Double shielded cable must have over 98.5% shield coverage.

e. Jacketed coaxial cable is required, unjacketed transmission line of any type is prohibited.

f. Use of "N" or "TNC" connectors is preferred over other non-constant impedance types. Every effort should be made to prevent the use of coax adapters.

g. All equipment is to be grounded and shielded. Grounding is to be done with copper stranded 6/0 AWG or better ground wire to the common grounding point at each site. Bare ground wire will not be utilized. The common grounding point is located under the wave guide entry point at each site. Under no circumstances will ground wires be connected to the interior halo ground system. The green wire of the AC power plug is not an acceptable grounding point. All grounding will be inspected upon completion of initial site installation and each quarter thereafter. If the grounding is found to be incorrectly installed, it will be the responsibility of Lessee to reimburse Lessor for any additional expenses that Lessor incurs in order to resolve the issue.

h. Transmitting systems must be checked periodically, which includes the isolator, VSWR on the load port of the isolator and overall system insertion loss. This system check will be performed no less than one time each year to ensure proper operation.

i. Bare metallic ties are prohibited for securing transmission lines to towers. In the case of large lines, use of stainless steel or galvanized hangers is permitted. Hardware capable of rusting and dissimilar metals is prohibited. Transmission lines are to be insulated from metallic structures/objects. Installation personnel are responsible for preventing "diode junctions" from occurring.

j. All loose wire or metal objects are to be removed from the tower and site. Metal fencing should be plastic coated.

k. All equipment shall be licensed and operated in full accordance with all applicable rules and regulations of the regulating agency (FCC, NTIA). No modifications are allowed which violate "FCC Type Acceptance."

l. All equipment must be labeled with the owner's name and a current 24/7 telephone contact number for equipment malfunctions to be reported at any time (service providers are acceptable).

m. Every effort should be made to protect the equipment from lightning damage. Feed-through lightning protectors will be used on all coaxial cable connections to equipment enclosures. Gas, gap and MOM protectors will be used on control, audio, telephone and power connections.

5. Interference Policy Statement.

a. In the event radio interference (RI) occurs, all users of the site are required to participate in solving the problem by providing technical personnel and test equipment to locate the source of the specific problem. If the above standards are complied with, additional isolators, filters, cavities, etc. may be required. All equipment must be maintained in good working order and meet original manufacturers and FCC specification for reduction of transmitter spurious radiation.

b. If necessary, Lessor maintains the right to require the use of "Combiners" at sites where mitigation of interference issues can be lessened or resolved through the use of this equipment.

c. Involved systems, not in full compliance with the standards, will be asked to comply immediately by written notice. Following notice of 48 hours and upon non-compliance, Lessor reserves the right to turn off and disconnect Lessee's equipment from primary power until compliance is met. If Lessor installs new equipment that results in interference to Lessee's equipment, Lessor will resolve interference problems following written notice from Lessee within 48 hours, or turn off offending equipment until interference issue is resolved. In the event of conflict between this section of Attachment C and the Lease Agreement, the more specific and restrictive provision shall control.

d. The standards listed are minimums found to be good engineering practice in the

operation and maintenance of electronic sites.

6. Electrical Standards in Lessor Facilities.

   a. Only assigned electrical outlets shall be used.

   b. Additions or modifications shall not be made to any electrical distribution system within the building without first securing Lessor's written permission.

   c. Access to the panel board is provided for the circuit breaker to the user's assigned outlets.

   d. Radio equipment shall have internal fusing to protect the supply circuit.

   e. Cord connections for radio equipment shall have a ground wire and the attachment plugs shall have a "U" slot ground to provide a continuous ground from equipment to distribution panel.

   f. Radio equipment shall have its own surge protection.

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Purchase of Automated External Defibrillators from LifeMed Safety, Inc. through Washington State Department of Enterprise Services
Presenter:	N/A
Prepared By:	P. Schut
Reviewed By:	R. Blain

PA Review, Approval to Form: ☒ Yes ☐ No ☐ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:**	
☒ Consent Agenda	☐ Discussion Only (1st)	☐ Pass Motion
☐ Public Hearing	☐ Discussion Only (2nd)	☒ Pass Resolution
☐ Scheduled Business	☐ Decision/Direction	☐ Pass Ordinance
	☐ Sign Letter/Document	☒ Execute Contract

Summary / Background Information

Benton County has multiple Automated External Defibrillators (AEDs) at several facilities reaching the end of their useful life and needing replacement. In addition, with the completion of the new Administration Building, several more need to be purchased to accommodate the new space.

An Agreement has been prepared, reviewed, and approved as to form by our departmental deputy prosecuting attorney and signed by LifeMed Safety, Inc.

Fiscal Impact

Annual Amount: $46,661.80 excluding W.S.S.T.

Fund: Insurance Management Fund (0504-101)

Recommendation

Approve the Purchase Agreement with LifeMed Safety, Inc. for the purchase of Automated External Defibrillators.

Suggested Motion

As part of the Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF PURCHASING AUTOMATED EXTERNAL DEFIBRILLATORS (AED) AND ASSOCIATED SUPPLIES/SERVICES THROUGH THE WASHINGTON STATE DEPARTMENT OF ENTERPRISE SERVICES MASTER CONTRACT USAGE AGREEMENT-CONTRACT NO. 00917 FROM LIFEMED SAFETY, INC.

WHEREAS, by Resolution 2013-431 dated June 11, 2013, the Board of County Commissioners approved the Master Contract Usage Agreement to purchase or acquire goods and services under contracts entered into by the Washington State Department of Enterprise Services; and

WHEREAS, automated external defibrillators (AEDs) are listed on Contract No. 00917 and are available from LifeMed Safety, Inc., an authorized dealer for Zoll Medical Corporation; and

WHEREAS, Benton County has multiple AEDs, at several facilities, that are reaching the end of their useful life and need to be replaced; and

WHEREAS, with the completion of the new Administration Building, several more are needed to be purchased to accommodate the new space; and

WHEREAS, the Purchasing Department recommends the purchase of additional automated external defibrillators (AEDs) and associated supplies/services through the use of the Master Contract Usage Agreement-Contract No. 00917; **NOW, THEREFORE,**

BE IT RESOLVED, that the Board of County Commissioners authorizes the purchase of automated external defibrillators and associated supplies/services from LifeMed Safety, Inc. through the use of the Washington State Department of Enterprise Services Master Contract Usage Agreement-Contract No. 00917, in an amount not to exceed $46,661.80 excluding WSST.

Dated this 12th day of October 2021.

_____
Chairman of the Board.

_____
Chairman Pro-Tem.

_____
Member.

Attest:_____
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington.

Orig.: Purchasing
c: Auditor, Risk, Procurement

P. Schut

PURCHASE AGREEMENT
Benton County, Washington

Benton County is a political subdivision, with its principal offices located at 620 Market Street, Prosser, WA 99350

RESOLUTION No: _____

Resolution number must appear on all invoices, packing slips, packages, correspondence, etc.

Vendor: Zoll Medical Corporation: Authorized Dealer - LifeMed Safety, Inc.
Vendor Code:
Vendor Contact: Jon Cloutier
Vendor Contact Phone: 800-276-0274; Ext 700
Vendor Principal Place of Business: 6124 E 162nd Ave, Brighton, CO 80602-7966

AGREEMENT:
The Vendor agrees to make available the goods provided in Exhibit A to Benton County under the terms described herein.

Ship To:	Bill To:
Benton County Risk Management 7122 W. Okanogan Pl. STE E330 Kennewick, WA 99336	Benton County Risk Management 7122 W. Okanogan Pl. STE E330 Kennewick, WA 99336

Line	Description	Qty	Amount
1	Item #: G5A-80C-S - PowerHeart G5 with ICPR Fully Auto, Dual Language English/Spanish	14	23,030.00
2	Item #: 50-00392-10 - Suface Mount Wall Box	4	768.00
3	Item #: 9310-0739 - AED Cabinet Accessory Kit	4	63.80
4	Item #: CheckTrac P4 - Four Year Service Package	19	22,800.00
		Subtotal	46,661.80
		Sales Tax	4,012.92
		Shipping	-
		Grand Total	50,674.72

The term of this Agreement shall commence upon signature of both parties and shall expire 10/04/2022.

This purchase agreement incorporates by reference all terms and conditions issued off the State of Washington Contract #00917 (copy attached hereto as Master Contract) as well as the Price Worksheet (attached as Exhibit A).

Vendor signature on this Purchase Agreement certifies acceptance of this agreement and all terms and conditions, and supersedes any conflicting terms and/or previous contracts.

In case of conflict, the order of precedence is:
1. TheState of Washington Contract No. 00917
2. Pricing Worksheet attached hereto as Exhibit A, as currently in effect, or hereafter amended.
3. This Purchase Agreement

Questions and Clarifications should be Addressed to Buyer Contact:

Contact: Paul Schut
Address: 7122 W. Okanogan Pl, STE E330
Kennewick, WA 99336
Phone:
Email:

Approved as to Form
(Deputy Prosecutor): _____
Eric Andrews, Civil DPA

By signing in the space provided, the parties hereby acknowledge the following:

1) The person executing the Agreement is authorized to enter into and undertake contractual financial obligations on behalf of his/her party;
2) The person executing this Agreement is authorized to do so by his/her party;
3) The parties agree that they shall be bound by facsimile or electronic copies of Agreements (including purchase orders) and further agree that such copies shall constitute the original agreement(s) for all purposes.

Vendor Name (Print): Jon Cloutier Title: President Date: 10/1/21

Vendor Signature: Jon Cloutier

Chairman
Benton County
Board of Commissioners: _____ Date: _____
Jerome Delvin, Chairman

QUOTE

LifeMed Safety, Inc.
6124 E 162nd Ave.
Brighton, CO 80602-7966

Main: (800) 276-0274
Email: orders@lifemedsafety.com
Website: www.lifemedsafety.com
Federal ID #: 46-401798

Quotation #: 21-0542
Date: 09/23/2021
Prepared By: Jon Cloutier

Bill To

Benton County
Accounts Payable
7122 West Okanogan Place
Kennewick, WA 99336

Ship To

Benton County
Paul Schut, Purchasing
7122 West Okanogan Place
Kennewick, WA 99336

GRAND TOTAL

$50,674.72

Valid Until: 12/22/2021

Payment Terms	Sales Rep	Shipping Method
Net 30	Jon Cloutier	FedEx Ground

Qty	Item #	Description	List Price	Unit Price	Amount
14	G5A-80C-S	Powerheart G5 with ICPR Fully Auto Dual Language Quick Response Pkg (1) G5 Fully Auto dual language English/LatAm Spanish AED, (1) G5 IntelliSense Battery; (1) set of G5 Intellisense CPR Feedback adult defibrillation pads; (1) Carry Sleeve; (1) AED Manager; (1) USB Cable, (1 set) printed G5 User Guide, Steps To Rescue, Getting Started (ENG), (1 set) printed G5 User Guide, Steps To Rescue, Getting Started (ESP) and multi-lingual Electrode Instructions For Use. NOTE: All discounts herein reflect State of WA /NASPO Contract Pricing.	$2,255.00	$1,645.00	$23,030.00
4	50-00392-10	Cardiac Science Surface Mount Wall Box	$192.00	$192.00	$768.00
4	9310-0739	LifeMed AED Cabinet Accessory Kit Includes One Each: AED Wall Sign, Inspection Tag, and Window/Door Decal	$15.95	$15.95	$63.80

LifeMed SAFETY®

QUOTE

19	CHECKTRAC P4	Four (4) Year Coverage for One (1) AED: CheckTrac Program Includes: 24/7 Online AED Web Portal – Access AED Data Anytime/Anywhere to Track AED Locations, Pad & Battery Expiration Dates, Automated E-Mail Notifications of Inspections and Expiration Dates, Automated E-Mail Notifications of Device Corrective Actions/Recalls, Automated Personal Training Rosters, Maintain Inspection Dates in Database, and 9-1-1 Agency Notification of AED Placement. INCLUDES: • Physician prescription for purchase of AED • Written AED Policies & Procedures for AED • Provide Medical Direction and Oversight for AED • Notify local 9-1-1 Agency of placement of AED • Provide post-event services w/ data download ~PLUS~ Perform annual AED inspections to check for placement and operational readiness of AEDs. A LifeMed Safety representative will physically inspect electrode pads and battery expiration dates and replace* as needed; Check AED cabinet alarmed door – where applicable; Create and maintain an online AED database to track AED locations, pad and battery expiration dates; Replace AED wall cabinet alarm batteries as needed; Perform software updates – as needed; Check for any Device Corrective Action (DCA) or FDA Recall; Provide a loaner AED if one of AEDs needs repair and has to be taken out of service for up to 60 days. * LifeMed Safety will replace AED electrode pads and/or batteries at current retail price.	$1,200.00	$1,200.00	$22,800.00
1	Total AvaTax	***Total Sales Tax Calculated by AvaTax*** Rate: 8.6% Kennewick, WA	$0.00	$4,012.92	$4,012.92
1	Shipping	Shipping & Handling - No charge per State of WA/NASPO Contract	$0.00	$0.00	$0.00

QUOTE

Subtotal	**$50,674.72**
Shipping	To Be Calculated
Sales Tax	To Be Calculated
TOTAL	**$50,674.72**

Terms & Conditions:

1. Prices quoted are valid for 90 days unless stated otherwise.
2. For new Tax Exempt customers: A valid Tax Exempt Certificate is required in order to remove sales tax.
3. Send Tax Exempt Certificate to Customer Service at orders@lifemedsafety.com or fax (800) 881-0266.
4. Orders normally ship within 30 days of receipt of accepted Purchase Order or Sales Order acknowledgement.
5. All discounts are contingent upon payment within agreed upon terms.
6. Authorization is required for all returns. Minimum 30% restocking fee with original packaging.
7. A $30.00 charge will be assessed for any check returned for non-sufficient funds.

To accept this Quotation and place order, please sign & return:

Signature:_____ **Date:**_____

Print Name:_____ **Purchase Order #:**_____

Title:_____ **Tax Exempt #:**_____

Thank you for your business!

LifeMed Safety, Inc.
6124 E 162nd Ave.
Brighton, CO 80602-7966
(800) 276-0274
www.lifemedsafety.com

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12th, 2021
Subject:	Eaton Park Improvement Club, Inc; Franchise Renewal
Presenter:	Cristina Woods, Public Works
Prepared By:	Cristina Woods, Public Works
Reviewed By:	Douglas D'Hondt, County Engineer

PA Review, Approval to Form: ☐ Yes ☐ No ☒ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:** *(Multiple boxes can be checked, if necessary)*	
☐ Consent Agenda	☐ Discussion Only	☒ Pass Motion
☒ Public Hearing	☐ Decision / Direction	☐ Pass Resolution
☐ Scheduled Business	☐ Sign Letter / Document	☐ Pass Ordinance
		☐ Execute Contract

Summary / Background Information

Benton County has received an application to renew a Franchise Order and Agreement for a domestic water system and associated facilities from Eaton Park Improvement Club, Inc.

Fiscal Impact

None

Recommendation

Benton County Public Works recommends the Commissioners approve the Franchise Order and Agreement with Eaton Park Improvement Club, Inc, subject to the 6 items listed in the report to the Commissioners.

Suggested Motion

Move to approve the Franchise Order and Agreement with Eaton Park Improvement Club, Inc, subject to the 6 items listed in the report to the Commissioners.

Public Works Department

PO Box 1001
Prosser, WA 99350
PHONE (509) 786-5611
www.co.benton.wa.us

October 12th, 2021

BOARD OF COUNTY COMMISSIONERS
Benton County Courthouse
Prosser, WA 99350

RE: Application for Franchise: Eaton Park Improvement Club, Inc.

Commissioners:

Eaton Park Improvement Club, Inc. filed a petition for a nonexclusive franchise to have a domestic water system and associated facilities within Benton County road right of way.

This office reviewed the request and based upon our current franchise requirements recommends approval of the request subject to the following conditions:

1. The term of the franchise be for a ten (10) year period.

2. The Grantee shall carry liability insurance with Benton County named as an insured with a minimum limit of $1,000,000.00. A copy of the proof of insurance is to be provided to Benton County.

3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way.

4. Should Benton County require utility relocation work because of road reconstruction, maintenance, or any other reason, said work shall be at the Grantee's expense.

5. The franchise is nonexclusive.

6. The Grantee sign the Order and Agreement for Nonexclusive Franchise, which will be prepared based upon the requirements set forth at the public hearing.

If you have any questions, please contact this office.

Sincerely,

Douglas D'Hondt, P.E., L.E.G
County Engineer

BEFORE THE BOARD OF COUNTY COMMISSIONERS
BENTON COUNTY, WASHINGTON

IN THE MATTER OF APPLICATION OF
Eaton Park Improvement Club, Inc. FOR A
(Please print name of company exactly as it will appear in franchise)
NONEXCLUSIVE FRANCHISE TO LOCATE, CONSTRUCT, MAINTAIN, OPERATE USE REPAIR, AND IF NECESSARY REPLACE A
Domestic Water System & Facility WITHIN THE COUNTY OF
(Please print exact wording as it will appear in franchise)
BENTON, STATE OF WASHINGTON, UPON, OVER, UNDER, ALONG AND ACROSS CERTAIN COUNTY ROADS AND PUBLIC HIGHWAYS, OR PARTS THEREOF, NOT WITHIN THE LIMITS OF ANY INCORPORATED CITY OR TOWN.

(County use:)

No. _____
APPLICATION FOR FRANCHISE PURSUANT TO RCW 36.55.040.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS,
BENTON COUNTY, WASHINGTON:

Eaton Park Improvement Club, Inc., duly authorized to transact business in the State of Washington (Grantee), hereby applies for the authority and a nonexclusive franchise, to be granted to said Grantee to locate, construction, maintain, operate, use, repair, and, if necessary, remove facilities upon, over, under, along and across any and all Benton County roads, highways, streets, alleys and bridges of which all or portions thereof are physically located in the Sections, Townships, and Ranges within the County of Benton, State of Washington, as set forth in the schedule marked "Exhibit A" attached hereto and by this reference made a part hereof, excluding, however, any portions thereof which are within the corporate limits of any incorporated city or town, but including all portions which are within any unincorporated town or community.

Grantee requests that the Board of County Commissioners fix a time and place for hearing this application, and cause the County Engineer of Benton County to give public notice of said hearing at the expense of said applicant, by posting notices of said hearings in three (3) public places in the county seat of said Benton County, at least fifteen days before the day fixed for said hearing, and also cause to be published a like notice, at the expense of said applicant, two (2) times in the official newspaper of the Benton County, the last publication of such notice to be not less than five (5) days before the day fixed for said hearing; which notice shall state the name of the applicant, shall describe the Benton County roads, highways, streets, alleys, bridges or portions thereof within said Benton County to be included in the franchise for which this application is made by reference to the Sections, Townships, and Ranges in which they are physically located, and shall show the time and place fixed for said hearing.

The Franchise Application fee in the amount of $500.00, in the form of _____ (cash or check), accompanies this application and is non-refundable. Upon approval, the franchise term will be for a period of ten (10) years.

Dated this 28 day of June, 2021.

Respectfully submitted by:

Amber Morgan
Name of Authorized Agent PLEASE PRINT

Amber Morgan
Signature of Authorized Agent

204003 E 14th PL
Address of Applicant

Kennewick WA 99337
City State Zip

Amberdawnn30@Hotmail.com
E-mail address

504-521-0195
Phone Number of Applicant

FAX Number of Applicant

2nd Name of Authorized Agent PLEASE PRINT (if required)

2nd Signature of Authorized Agent (if required)

EXHIBIT A

All unincorporated areas of Benton County

To view complete packet, call Commissioners' office @ 509.786.5600

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021
Subject:	Permission to advertise for the Moderate Risk Waste Facility (MRWF) Retrofit Project
Presenter:	Douglas D'Hondt and Blanca Parham
Prepared By:	Blanca Parham
Reviewed By:	Robert Blain and Douglas D'Hondt

PA Review, Approval to Form: ☒ Yes ☐ No ☐ N/A *(If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:** *(Multiple boxes can be checked, if necessary)*	
☐ Consent Agenda	☐ Discussion Only	☐ Pass Motion
☐ Public Hearing	☐ Decision / Direction	☒ Pass Resolution
☒ Scheduled Business	☐ Sign Letter / Document	☐ Pass Ordinance
		☐ Execute Contract

Summary / Background Information

The Benton County Public Works Department, Solid Waste Division, has been working towards obtaining a moderate risk waste facility (MRWF) since the last one was destroyed by a fire in 2010. The purpose of the facility is to serve the residents of Benton County with proper disposal of household hazardous waste. A feasibility study was completed in 2015 that indicated the former Benton County Road Department maintenance shop, located at 1709 S. Ely Street in Kennewick, could be retrofitted into a MRWF. The final design for the retrofit has been reviewed and approved for construction from Benton-Franklin Health District and Washington State Department of Ecology which are required for this type of facility.

A project estimate was updated in April 2021 by HDR Engineering amounting to $1,249,612.00, including W.S.S.T. tax and soft costs. The Solid Waste Fund currently has $1,294,651.19 remaining in the budget for this project. If the costs of the project go beyond the budgeted amount, Solid Waste is able to utilize the 2021-2023 Local Solid Waste Financial Assistance grant through Washington State Department of Ecology. The said grant amounts to $682,504.00.

The necessary building permits have been secured from the City of Kennewick and the MRWF Retrofit Project is ready to receive bids.

The final design packet is almost 1,000 pages so it has not been included in this packet but will be made available to you through a shared link.

Fiscal Impact

Minimal cost to run the advertisement in the legal paper from the Solid Waste Fund.

Recommendation

Staff recommends that the Board approves the advertisement and bid process for the Moderate Risk Waste Facility (MRWF) Retrofit Project.

Suggested Motion

I move to approve the advertisement and bid process for Bid No. CB 21-07 Moderate Risk Waste Facility (MRWF) Retrofit Project.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: REQUESTING PERMISSION TO PROCEED WITH THE ADVERTISEMENT AND BID PROCESS FOR BID NO. CB 21-07 MODERATE RISK WASTE FACILITY (MRWF) RETROFIT PROJECT

WHEREAS, local governments are required by the Washington State Legislature (Chapter 70A.300 RCW) to address moderate risk waste management in their jurisdictions; and

WHEREAS, the Benton County Solid Waste Fund has been holding routine household hazardous waste collection events until a permanent moderate risk waste facility (MRWF) was feasible; and

WHEREAS, the final design for the retrofit of an existing structure to a MRWF has been reviewed and approved for construction from Benton-Franklin Health District and Washington State Department of Ecology; and

WHEREAS, the necessary building permits have been secured from the City of Kennewick; and

WHEREAS, a bid packet (No. CB 21-07) has been prepared by Benton County Public Works staff, and reviewed and approved as to form by the Benton County Prosecuting Attorney's office; **NOW, THEREFORE,**

BE IT RESOLVED, that the Board of County Commissioners hereby approves the advertisement and bid process for Bid No. CB 21-07 Moderate Risk Waste Facility (MRWF) Retrofit Project.

Dated this 12th day of October 2021.

_____
Chairman

_____
Chairman Pro-Tem

_____
Member

Attest:_____
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington

Orig.: Public Works B. Parham

EXHIBIT LIST FOR
Zone Change Request - ZC 2021-001

			DATED
Planning Commission Staff Memo Exhibit List - September 14, 2021			
PCM 1 Includes:	PCM 1.1	Staff Memo	March 31, 2016
	PCM 1.2	Current Zoning Vicinity Map	
	PCM 1.3	Proposed Zoning Vicinity Map	
	PCM 1.4	Notice of Public Hearing	August 25, 2021
		APPLICATION SUBMITTAL	
	PCM 1.5	Zone Change Application	July 21, 2021
	PCM 1.6	Site Map	June 2, 2021
		SEPA INFORMATION	
	PCM 1.7	SEPA Checklist	November 18, 2021
	PCM 1.8	Determination of Non-Significance	March 31, 2021
		COMMENTS	
	PCM 1.9	Benton County Fire Marshal Comments	July 26, 2021
	PCM 1.10	Public Works Comments	July 28, 2021
Board of County Commissioners Staff Memo List -DATE			
BCCM Includes:	BCCM 1.1	Board of County Commissioners Agenda Action Sheet	Sept. 29, 2021
	BCCM 1.2	Board of County Commissioners Resolution	Sept. 29, 2021
	BCCM 1.3	Planning Commission Recommendation, Findings of Fact and Conclusions	October 1, 2021

The Exhibit Numbers are found in the Top Right Hand Corner of each document.
PCM = Planning Commission Memo Exhibits
PCH = Planning Commission Hearing Exhibits
BCCM = County Commissioner Memo Exhibits
BCCH = Board of County Commissioners Hearing Exhibits submitted during Hearing

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021 **Memo Date:** September 23, 2021
Subject:	Request for Zone Change - ZC 2021-001, Applicant: Knutzen Engineering
Presenter:	Michelle Cooke, Assistant Planning Manager
Prepared By:	Brian Malley
Reviewed By:	Michelle Cooke
PA Review, Approval to Form:	☐ Yes ☐ No ☒ N/A (*If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:** *(Multiple boxes can be checked, if necessary)*	
☐ Consent Agenda	☐ Discussion Only	☒ Pass Motion
☐ Public Hearing	☒ Decision / Direction	☒ Pass Resolution
☒ Scheduled Business	☒ Sign Letter / Document	☐ Pass Ordinance
		☐ Execute Contract

Summary / Background Information

The applicant has submitted an application (PCM 1.5) requesting a change in the zoning designation on five (5) contiguous parcels located on the north side of State Route 397 in the rural Finley area from Rural Lands Five Acre and Heavy Industrial to General Commercial. The properties range in address from 230006 through 230904 E SR 397, Kennewick, WA 99337 and are located approximately 1/4 mile west of the intersection of Piert Road and SR 397. (Parcel Numbers: 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002).

On September 14, 2021, at the conclusion of the open record hearing, the Planning Commission voted (4-0, with 1 member absent) to forward a positive recommendation to the Board of County Commissioners adopting the twelve (12) findings and conclusions with respect to File No. ZC 2021-001 as their own and recommending approval to the Board of County Commissioners. The Planning Commission's record and recommendation for ZC 2021-001 is being submitted for the Board's review and decision.

The Benton County Commissioners set Tuesday, October 12, 2021 at 9:00 a.m. for the Board of County Commissioners to conduct a Closed Record Appeal Hearing with reference to this application. With the completion of the open record hearing, the Benton County Code requires the Board of County Commissioners conduct a closed record (appeal) hearing with reference to this zone change. The Board of County Commissioners must make a final decision on the zone change application based on the Planning Commission's Open Record Hearing and cannot consider any testimony other than the testimony presented to the Planning Commission at their Open Record Hearing. The only information the Board can consider is the clarification of statements regarding the testimony and information contained in the Planning Commission Record for this application.

Fiscal Impact

Amount: Unknown
Fund: Unknown

Recommendation

Planning Commission recommendation:

At the conclusion of the open record hearing, the Planning Commission voted to recommend approval of the zone change application to the Board of County Commissioners.

Planning Department recommendation**:**

It is the Planning Division's recommendation that the Board of County Commissioners approve zone change request ZC 2021-001 as submitted, subject to the Planning Commission's Recommendation, Findings of Fact and Conclusions.

Suggested Motion

I move that the Board of County Commissioners adopt the Planning Commission's Recommendation, Findings of Fact and Conclusions as the Board's own and approve zone change request ZC 2021-001 as recommended by the Planning Commission.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY PLANNING REGARDING A CHANGE IN THE ZONING CLASSIFICATION FOR FIVE PARCELS FROM RURAL LANDS FIVE ACRE AND HEAVY INDUSTRIAL TO GENERAL COMMERCIAL. APPLICATION ZC 2021-001 – FINLEY SELF STORAGE, APPLICANT: KNUTZEN ENGINEERING, Parcel #'s 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002.

WHEREAS, the Benton County Planning Commission after conducting an open record hearing in person and via a WebEx virtual meeting format on September 14, 2021, recommended approval of the proposed change in zoning classification on five parcels as described below from Rural Lands Five Acre and Heavy Industrial to General Commercial; and,

WHEREAS, the Board of County Commissioners did conduct a closed record appeal hearing in person and via a WebEx virtual meeting format on October 12, 2021, at 9:00 a.m. in the Commissioners Meeting Room, Third Floor of the Courthouse, Prosser, Washington to consider the above proposed change in zoning classification from; and,

WHEREAS, the Board of County Commissioners did review the Planning Commission and staff's recommendations and finds that proper legal notification, public hearing and review have been made and it appears to be in the public interest to accept said recommendation; and,

NOW THEREFORE BE IT RESOLVED, the Board adopts the Planning Commission's Recommendation, Findings of Fact, and Conclusions dated October 1, 2021, as retained in File No. ZC 2021-001 located in the Planning Office as its Findings of Fact;

BE IT FURTHER RESOLVED that the Board of County Commissioners APPROVES Zone Change Application ZC 2021-001 for the change in zoning classification on Five (5) parcels from Rural Lands Five Acre and Heavy Industrial to General Commercial for the following properties:

> Lots 1 and 2 of Short Plat 196 (current Parcel Numbers: 1-2680-101-0196-001, 1-2680-101-0196-002), Lots 1 and 2 of Short Plat 44 (Current Parcel Numbers 1-2680-101-0044-001, and 1-2680-101-0044-002) and that portion of Section 26, Township 8 Range 30 Defined As Follows: The West 115.00 feet of the South 250.00 feet of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (Current Parcel Number: 1-2680-100-0037-000).

Dated this 12th day of October 2021

_____
Chairman of the Board

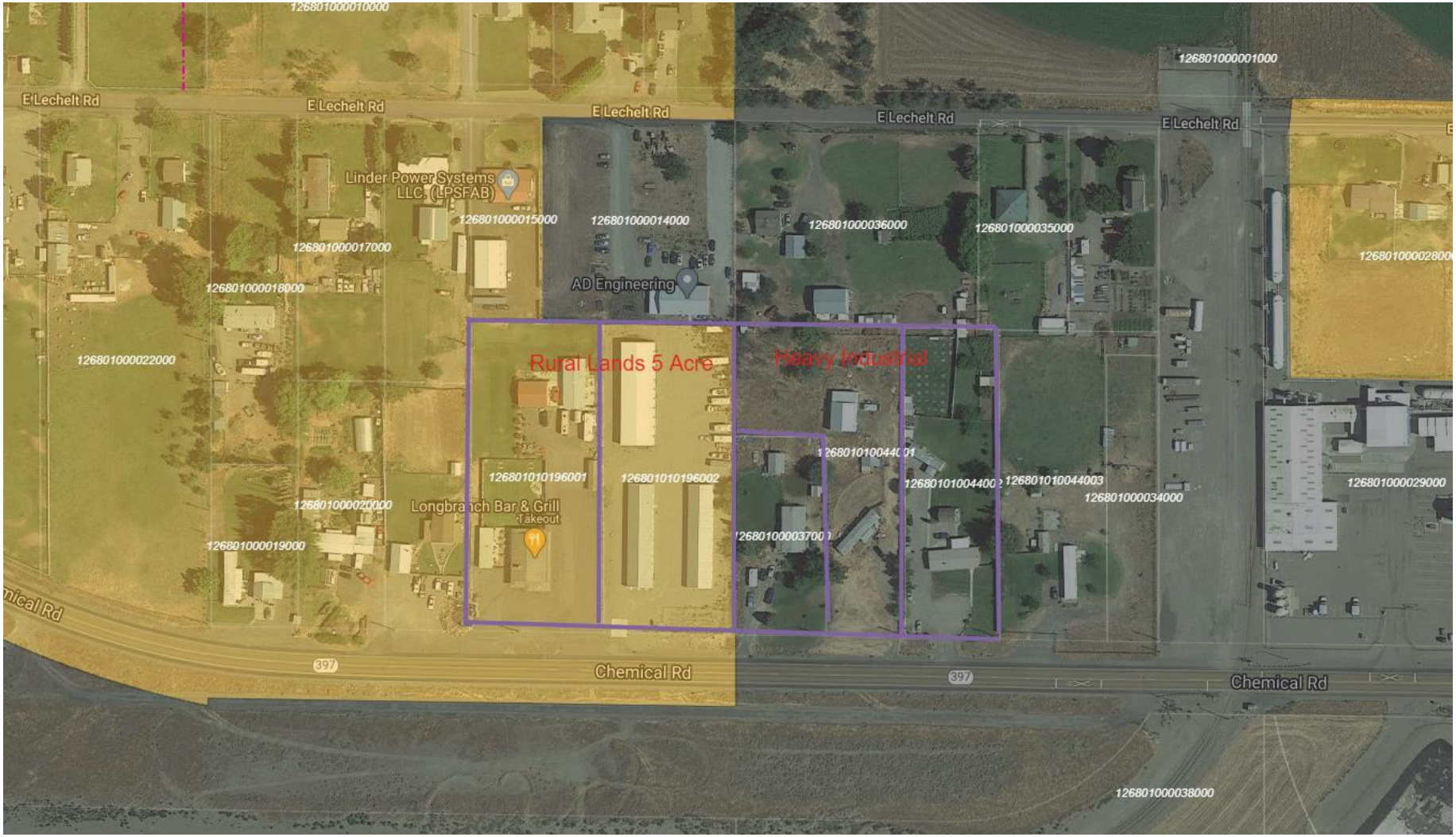
_____
Member

_____
Member
Constituting the Board of County
Commissioners of Benton County
Washington.

Attest_____
Clerk of the Board

MC/djh

ZC 2021-001/EA 2020-031
Current 2021 Zoning Designations
July 23, 2021



ZC 2021-001/EA 2020-031
Proposed 2021 Zoning Designations
July 23, 2021

BCCM 1.3

RECOMMENDATION OF THE BENTON COUNTY PLANNING COMMISSION

RE: Zone Change Request to change the zoning designation on five (5) parcels in rural Finley area, from Rural Lands Five Acre and Heavy Industrial to General Commercial

File No. ZC 2021-001

RECOMMENDATION, FINDINGS OF FACT AND CONCLUSIONS

RECOMMENDATION

ZC 2021-001: A proposal by Knutzen Engineering to change the zoning designation on five (5) contiguous parcels located on the north side of State Route 397 in the rural Finley area from Rural Lands Five Acre and Heavy Industrial to General Commercial. The request is hereby recommended to be **approved**. This action is based upon the following findings pursuant to RCW 36.70A.

LEGAL DESCRIPTION

The area that is proposed to be changed to General Commercial designation is generally described as follows:

Portions of the Northeast Quarter of Section 26, Township 8 North, Range 30 East, W.M., Benton County, Washington, comprised of five (5) contiguous parcels located on the north side of State Route 397. Parcel #'s 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002.

RESOLUTION

WHEREAS, the Legal notification pursuant to RCW 36.70A.035 was given on September 1, 2021 in the Prosser Record Bulletin; and,

WHEREAS, the public hearing was held on September 14, 2021 at 6:00 p.m., through both an in-person and virtual hearing setting; and,

WHEREAS, the following members were present, Martin Sheeran, Brian Skeels, Tammara McKeirnan, Marjorie Kaspar, and Lloyd Coughlin; and,

WHEREAS, the Planning Commission considered all evidence and testimony submitted and after discussion voted four members in favor with one member absent, to recommend

approval of Zone Change request (ZC 2021-001) by Knutzen Engineering changing the Zoning designation from Rural Lands Five Acre and Heavy Industrial to General Commercial on five (5) contiguous parcels located on the north side of State Route 397, and,

WHEREAS, the Planning Commission is entering its written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

FINDINGS AND CONCLUSIONS

Zone Change consistency with Benton County Code (BCC) 11.53 – Amendments and Appeals:

1. The application submittal, public notice, and procedural steps for this application is in compliance with Benton County Code Chapter 11.53 Amendments and Appeals.
    a. The application for ZC 2021-001 was submitted to the Benton County Planning Division on July 21, 2021.
    b. The application was declared complete for processing on July 23, 2021.
    c. The application documents were distributed to reviewing agencies on July 23, 2021.
    d. Legal notification for the Planning Commission public hearing was published on September 1, 2021 in the Prosser Record Bulletin.
    e. Notice of the Planning Commission public hearing was emailed/mailed to property owners of record within 300 feet of the proposal on August 26, 2021.
    f. ZC 2021-001 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.
    g. A public hearing was held before the Planning Commission on September 14, 2021.
    h. The Benton County Planning Department analyzed the application for consistency with the Growth Management Act, the Benton County Comprehensive Plan, and the County-Wide Planning Policies, and other regulations adopted by Benton County as applicable.
2. The application submittal, eligibility, public notice, and procedural steps for ZC 2021-001 have been consistent with *Benton County Code (BCC) Chapter 11.53.020 Zoning – Amendments and Appeals, Zoning Map and Text Amendments*.

3. The applicant is requesting to change the zoning designation for five (5) contiguous

parcels located on the north side of State Route 397, in the rural Finley area. The parcels, which are currently zoned Rural Lands Five Acre (RL-5) and Heavy Industrial (HI), are requested to be designated General Commercial (GC).

4. The applicant is Knutzen Engineering whose mailing address is 5401 Ridgeline Dr. Ste 160, Kennewick, WA 99338.

5. The properties range in address from 230006 through 230904 E SR 397, Kennewick, WA 99337 and are located approximately 1/4 mile west of the intersection of Piert Road and SR 397. (Parcel Numbers: 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002).

6. The properties collectively comprise approximately 5.91 acres in size.

7. The subject parcels currently have a land use designation of Rural Commercial in the Benton County Comprehensive Plan, Appendix A, Map Folio Figure 5-Land Use Designation Map.

8. If approved, the proposed land use designation of General Commercial will:
    a. Provide for consistency between the zoning designation and Comprehensive Plan designation;
    b. Bring existing uses into conformance with the zoning district, which includes the Longbranch Bar and Grill and Finley Self Storage;
    c. Assist in facilitating the ability for existing businesses to expand; and
    d. Serve as a transition between residential and industrial zoned parcels in the vicinity.

9. The amendment to the zoning map will not result in any building construction, land use or other development related activity which would be detrimental to or endanger the public health, safety, comfort or general welfare of the community as a whole or any portion thereof.

10. The amendment to the zoning map is consistent with the spirit and intent of the Benton County Zoning Ordinance and Comprehensive Plan.

11. The application for ZC 2021-001 is consistent with the Growth Management Act (GMA) – RCW 36.70A.

12. Adjoining properties predominantly involve single-family homes to the west, a mix of residential and service-associated businesses to the north, and predominantly industrial activities to the south and east.

A majority of the Planning Commission members find that all of the facts set forth in the Planning Department Staff Report dated August 30, 2021 are accurate. Supporting documents have been considered and addressed.

THEREFORE, BE IT RESOLVED THAT THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion, adopts these findings and conclusions with respect to File No. ZC 2021-001, and hereby recommends APPROVAL to the Board of County Commissioners that the Zoning designation on five (5) contiguous parcels located on the north side of State Route 397 be changed from Rural Lands Five Acre and Heavy Industrial to General Commercial for the following parcel numbers: 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002.

10/1/21

MARTIN SHEERAN, Chairman Dated
BENTON COUNTY PLANNING COMMISSION

Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us

Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

PCM 1.1

STAFF REPORT TO THE
BENTON COUNTY PLANNING COMMISSION

FILE NO:	**ZC 2021-001** (Zone Change Request)
MEMO DATE:	August 30, 2021
HEARING DATE:	September 14, 2021
APPLICANT:	Knutzen Engineering 5401 Ridgeline Dr. Ste 160, Kennewick, WA 99338
OWNERS:	Benito & Beverly Suarez, 230006 E. SR 397, Kennewick, WA 99337. Finley Self Storage, LLC, 230306 E. SR 397, Kennewick, WA 99337. Bruce & Ellen Hendrickson, 230708 E. SR 397, Kennewick, WA 99337. Travis Hendrickson, 230804 E. SR 397, Kennewick, WA 99337. Arnulfo Iniquez, 230904 E. SR 397, Kennewick, WA 99337.
LOCATION:	General Location: The properties are located approximately 1/4 mile west of the intersection of Piert Road and SR 397. Address Range**:** 230006 through 230904 E SR 397, Kennewick, WA 99337. (Owner) Parcel Numbers/Legal Descriptions: (Suarez) 1-2680-101-0196-001/Short Plat # 196/Lot 1 (Finley Self Storage) 1-2680-101-0196-002/ Short Plat #196/Lot 2 (Hendrickson) 1-2680-100-0037-000/The portion of section 26, Township 8 Range 30 defined as follows: The west 115.00 feet of the south 250.00 feet of the northwest of the southeast of the northeast. (Hendrickson) 1-2680-101-0044-001/Short Plat # 44/Lot 1 (Iniquez) 1-2680-101-0044-002/ Short Plat # 44/Lot 2
PROPERTY SIZE:	Approximately 5.91 acres, collectively
LAND USE:	Residential & Commercial
ZONING:	Rural Land 5 Acre & Heavy Industrial District
COMP PLAN LAND USE DESIGNATION:	Rural Commercial

SUGGESTED STAFF RECOMMENDATION: Planning Division staff recommends that the Planning Commission forward to the Board of County Commissioners a recommendation to approve Finley Self Storage's Zone Change Request ZC 2021-001, subject to the twelve (12) findings of fact.

APPLICATION DESCRIPTION:

ZC 2021-001 (PCM 1.5), proposes to change the zoning designation for five (5) contiguous parcels located on the north side of State Route 397, in the rural Finley area. If approved, the zone change will require the need to update Official Zoning Map A-4 to reflect the change in the zoning designation of these parcels.

The subject parcels, consisting of 5.91 acres, are currently zoned Rural Lands Five Acre (RL-5) and Heavy Industrial (HI) districts. The applicant proposes to change the zoning designation to General Commercial.

The requested zone change would bring existing businesses into conformance with the zoning district and allow for development and/or expansion of new businesses. The Commercial zoning designation will serve as a transition between residential and industrial zoned parcels in the area.

PUBLIC NOTICE:

1. The application for ZC 2021-001 was submitted to the Benton County Planning Division on July 21, 2021 (PCM 1.5).

2. The application was declared complete for processing on July 23, 2021.

3. The application documents were distributed to reviewing agencies on July 23, 2021.

4. Legal notification for the Planning Commission public hearing was published on September 1, 2021 in the Prosser Record Bulletin (PCM 1.4).

5. Notice of the Planning Commission public hearing was emailed/mailed to property owners of record within 300 feet of the proposal on August 26, 2021.

6. ZC 2021-001 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.

7. The Planning Commission public hearing is scheduled for September 14, 2021.

APPLICABLE STANDARDS/ORDINANCES:

1. Benton County Code (BCC) 11.53.020, Zoning – Zoning Map and Text Amendments.

2. Benton County Code (BCC) 11.53.020, Zoning – Amendments - Initiation.

3. Benton County Code (BCC) 11.53.020, Zoning – Application Required – Non-Refundable Application Fee.

4. Benton County Code (BCC) 11.53.020, Zoning – Planning Commission Hearing.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on July 23, 2021.
    a. Benton County Public Works Department
    b. Benton-Franklin Health District
    c. Washington State Department of Transportation
    d. Benton County Fire Marshal
    e. Benton County Fire District #1
    f. Columbia Irrigation District
    g. Kennewick Irrigation District
    h. Kennewick School District

2. Agency comments were received from:
    a. Benton County Public Works
    b. Benton County Fire Marshal

3. The following are general comments and discussion points from the Planning Division:
    a. The Planning Division analyzed the application for consistency with the Benton County Comprehensive Plan, Benton County Code, and other regulations adopted by Benton County as applicable.
    b. The subject parcels are currently designated Rural Commercial by the Benton County Comprehensive Plan.
    c. The request for zone change, if approved, will provide for consistency between the Zoning designation and the Comprehensive Plan designation.
    d. If approved, the proposed land use of General Commercial (GC) will bring existing uses into conformance with the zoning district, which includes the Longbranch Bar and Grill and Finley Self Storage.
    e. If approved, the proposed land use designation of General Commercial (GC) will assist in facilitating the ability for the existing businesses to expand.
    f. Adjoining properties predominantly involve single-family homes to the west, a mix of residential and service-associated businesses to the north, and predominantly industrial activities to the south and east.
    g. The General Commercial zoning designation will serve as a transition between residential and industrial zoned parcels in the general area.
    h. Associated Comprehensive Plan Amendment, CPA 2021-001, was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.

CRITERIA FOR FINDINGS OF FACT:

1. **Benton County Code (BCC) 11.53.020**, Zoning – Amendments and Appeals, Zoning Map and Text Amendments.

   (a) The Board of Commissioners may, upon recommendation of the County Planning Commission, change by ordinance the following:
   (1) The Benton County Official Zoning Map, pursuant to Chapter 11.05 BCC, including zoning district boundary lines and zoning classifications.

2. **Benton County Code (BCC) 11.53.050**, Zoning – Amendments and Appeals, Amendments - Planning Commission Hearing.

   After holding at least one open record hearing, the County Planning Commission shall transmit to the Board of County Commissioners its recommendations for the zoning map or zoning text amendment. The Planning Commission may recommend for the approval, approval with conditions, or denial of the application request. The Planning Commission must make Findings of Fact with respect to the following:
   (a) The amendment to the zoning map or zoning text will not result in any building construction, land use or other development related activity which would be detrimental to or endanger the public health, safety, comfort or general welfare of the community as a whole or any portion thereof.
   (b) The amendment to the zoning map or zoning text is consistent with the spirit and intent of the Benton County Zoning Ordinance and Comprehensive Plan.

SUGGESTED RECOMMENDATION

The Benton County Planning Division recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for application ZC 2021-001, with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

The following Findings of Fact are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for ZC 2021-001 will need to be considered by the Planning Commission and may be added to the suggested Findings of Fact as set forth below. The Planning Commission may decide to adopt these as their own or amend/add to these Findings of Fact after holding the open public hearing.

FINDINGS OF FACT

1. The applicant is requesting to change the zoning designation for five (5) contiguous parcels located on the north side of State Route 397, in the rural Finley area. The parcels, which are currently zoned Rural Lands Five Acre (RL-5) and Heavy Industrial (HI), are requested to be designated General Commercial (GC).

2. The applicant is Knutzen Engineering whose mailing address is 5401 Ridgeline Dr. Ste 160, Kennewick, WA 99338.

3. The properties range in address from 230006 through 230904 E SR 397, Kennewick, WA 99337 and are located approximately 1/4 mile west of the intersection of Piert Road and SR 397. (Parcel Numbers: 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002).

4. The properties collectively comprise approximately 5.91 acres in size.

5. The subject parcels currently have a land use designation of Rural Commercial in the Benton County Comprehensive Plan, Appendix A, Map Folio Figure 5-Land Use Designation Map.

6. If approved, the proposed land use designation of General Commercial will:
   (a) Provide for consistency between the zoning designation and Comprehensive Plan designation;
   (b) Bring existing uses into conformance with the zoning district, which includes the Longbranch Bar and Grill and Finley Self Storage;
   (c) Assist in facilitating the ability for existing businesses to expand; and
   (d) Serve as a transition between residential and industrial zoned parcels in the vicinity.

7. The amendment to the zoning map will not result in any building construction, land use or other development related activity which would be detrimental to or endanger the public health, safety, comfort or general welfare of the community as a whole or any portion thereof.

8. The amendment to the zoning map is consistent with the spirit and intent of the Benton County Zoning Ordinance and Comprehensive Plan.

9. The application for ZC 2021-001 is consistent with the Growth Management Act (GMA) – RCW 36.70A

10. Adjoining properties predominantly involve single-family homes to the west, a mix of residential and service-associated businesses to the north, and predominantly industrial activities to the south and east.

11. Public notice and application requirements have been completed for the Zone Change request as follows:
   a. The application for ZC 2021-001 was submitted to the Benton County Planning Division on July 21, 2021 (PCM 1.5).
   c. The application was declared complete for processing on July 23, 2021.
   e. The application documents were distributed to reviewing agencies on July 23, 2021.
   e. Legal notification for the Planning Commission public hearing was published on September 1, 2021 in the Prosser Record Bulletin (PCM 1.4).
   h. Notice of the Planning Commission public hearing was emailed/mailed to property

owners of record within 300 feet of the proposal on August 26, 2021.

i. ZC 2021-001 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.

j. The Planning Commission public hearing is scheduled for September 14, 2021.

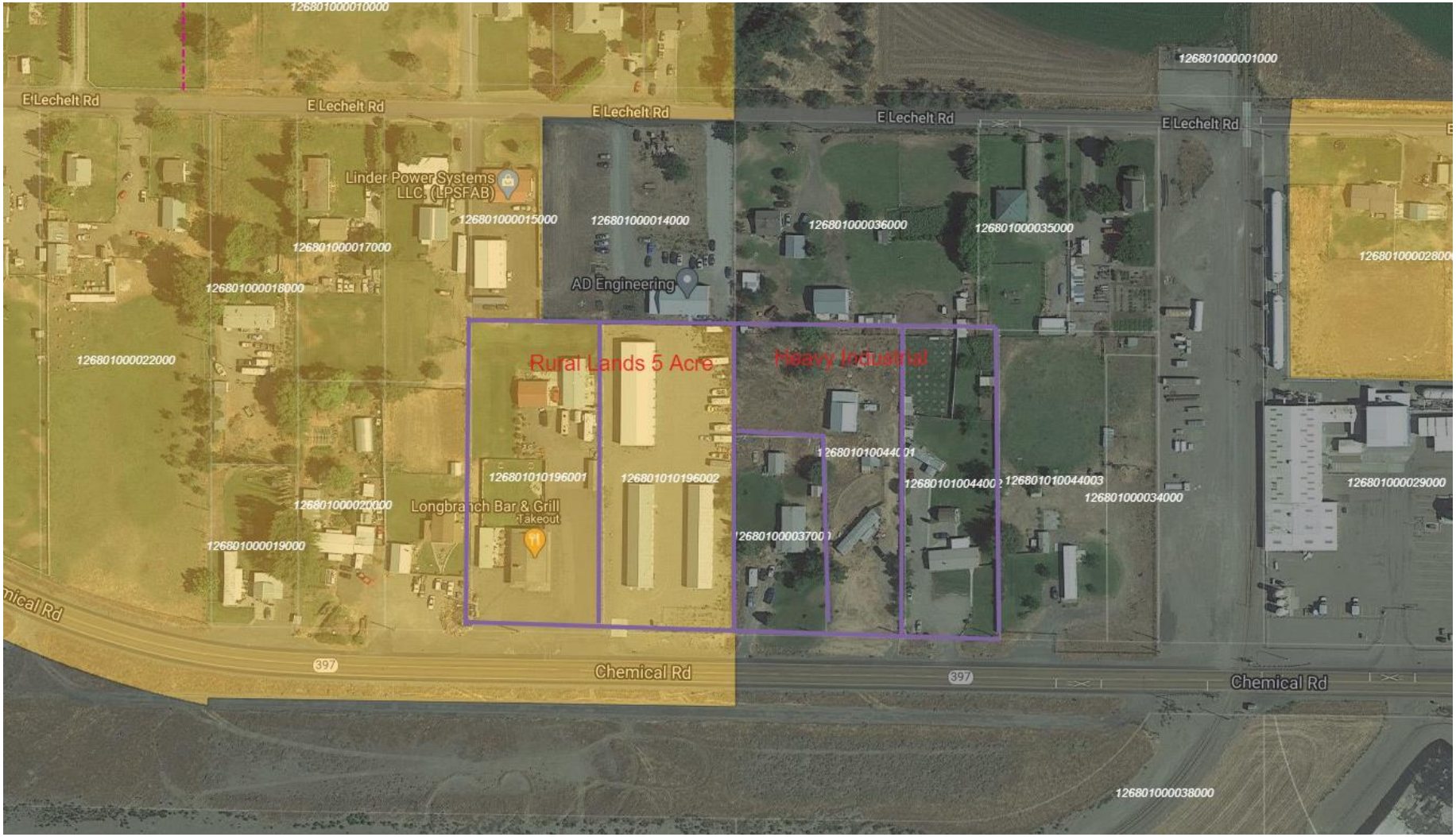
12. The application submittal, eligibility, public notice, and procedural steps for ZC 2021-001 have been consistent with *Benton County Code (BCC) Chapter 11.53.020 Zoning – Amendments and Appeals, Zoning Map and Text Amendments.*

SUGGESTED MOTION

I move that the Planning Commission in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight reflecting the commission's recommendation to the Benton County Board of Commissioners for approval of ZC 2021-001 changing the zoning designation from Rural Lands Five Acre and Heavy Industrial to Rural Commercial subject to the twelve (12) Findings of Fact as listed in the Staff Report dated August 30, 2021.

ZC 2021-001/EA 2020-031
Current 2021 Zoning Designations
July 23, 2021

PCM 1.2



ZC 2021-001/EA 2020-031
Proposed 2021 Zoning Designations
July 23, 2021

Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us

Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

PCM 1.4

NOTICE OF PUBLIC HEARING

NOTICE OF HEARING BEFORE THE BENTON COUNTY PLANNING COMMISSION in the matter of county planning on September 14, 2021 at 6:00 p.m., via **in person and virtual meeting format in the Meeting Room on the first floor of the Courthouse, 620 Market Street, Prosser WA. The entry to the meeting room is located off Main Street on the East side of the Courthouse.** (see below for more information).

ZC 2021-001/EA 2020-031 - A proposal by Travis Hendrickson/Finley Self Storage, requesting a change in the zoning land use designation from Rural Lands 5 Acre and Heavy Industrial to General Commercial on five parcels located in the Finley rural area between Lechelt Road and SR 397, in the Northwest Quarter of Section 26, Township 8 North, Range 30 East, W.M.

ZC 2021-002/EA 2020-036 - A proposal by 5D Development requesting a change in the zoning land use designation from Light Industrial to Interchange Commercial on Lots 1 and 2 of short plat 3669 located off E. Detrick PR SE and Wiser Parkway in Section 11, Township 8 North, Range 28 East, W.M.

NOTICE IS FURTHER GIVEN that said zone change proposals have been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklists and other information and determinations have been made as to the environmental impacts of these proposals and Declarations of Non-significance were issued on March 31, 2021. Comments regarding these determinations and the environmental impacts of these proposals may be made to the planning department by 5 p.m. on September 13, 2021.

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

If you wish to provide comments via WebEx on the proposal before the Planning Commission, we ask that you please fill out our online form (found at https://tinyurl.com/testifyform) and submit your request to our office. **You must submit a request form to participate for each hearing that you wish to attend.** If you prefer to make the request by phone, please call our office at 786-5612

and we can add you to the list for providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item.

NOTICE IS FURTHER GIVEN THAT all testimony for or against the proposals will be taken at this time. All concerned persons may appear and present any support or objections to the proposed zone changes. Further information regarding this matter and copies of the proposed zone changes are available on the County website or from the Planning Division, P.O. Box 910, Prosser, WA 99350 or by calling (509) 786-5612.

DATED this 25th day of August 2021.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION

Michelle Cooke, Assistant Planning Manager

PUBLISH: September 1, 2021

Planning Department
(509) 786-5612
P.O. Box 910
Prosser, WA 99350

www.co.benton.wa.us
planning.department@co.benton.wa.us
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

RECEIVED
JUL 21 2021
Benton Co. Planning Dept.

ZONE CHANGE APPLICATION

Application No. ZC 2021-001

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

☐ **Applicant/Agent**: Dalton Walker - Knutzen Engineering

Mailing Address: 5401 Ridgeline Dr. Ste 160 City: Kennewick

State: WA ZIP: 99338 Phone: 509-222-0959 Work: _____

Email Address: dalton@knutzenengineering.com

Signature: _____ Date: _____

☐ **Property Owner(s)** *(if different)*: See additional sheet for owners

Mailing Address: _____ City: _____

State: _____ ZIP: _____ Phone: _____ Work: _____

Email Address: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

**If there are additional owners please copy this section, sign, and attach to the application*

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.

ENTITY SIGNATURE BLOCK

If the applicant or legal owner of the property is a corporation, partnership, trust or LLC please use the following signature block.

Applicant/Legal Owner: Finley Self Storage LLC (Only Parcel:126801010196002)

Officer name: Travis Hendrickson

Title: Owner

Signature: _____ Date: 6/7/21

THE ABOVE SIGNED OFFICER OF Finley Self Storage LLC. *(name of entity)* WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT Travis Hendrickson TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

Any information submitted to the Benton County Planning 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.

PARCEL INFORMATION

1. **Subject property address:** 126801010196001, 126801010196002, 126801000037000, 126801010044001, 126801010044002

   City: Kennewick **State:** WA **ZIP:** _____

2. **Parcel number(s) to be rezoned:** __ - _ _ _ _ _ - _ _ _ _ - _ _ _ _ _ _ - _ _ _ _

   __ - _ _ _ _ _ - _ _ _ _ - _ _ _ _ _ _ - _ _ _ _

3. **Utilities:** *Power:* ☒ Benton PUD ☐ Benton REA

   Sewer: ☒ Septic Tank ☐ City Sewer: *(Provider)* _____

   Water: ☒ Individual Wells ☐ One well serving 2 or more lots

   ☐ Private System *(Provider & Address)* _____

   ☐ City System *(Provider)* _____

   Gas: ☒ No ☐ Yes: *(Provider)* _____

   Cable: ☐ No ■ Yes: *(Provider)* Charter

   Phone: ☐ No ■ Yes: *(Provider)* Charter

   Irrigation: ☐ No ☐ Private ■ District: *(Provider)* Kennewick Irrigation District

4. **We the applicant(s) listed above who is/are the owner(s)/contract purchaser(s) do hereby petition the Benton County Planning Commission to have the real property listed above to be changed from the zoning classification of** RL-5, Heavy Industrial **to the zoning classification of** General Commercial

5. **Comprehensive Plan designation:** Rural Commercial

6. **The change in classification for the above described property is requested for the purpose of conducting the following use(s) which is/are known to be consistent with the requested zoning classification:** Specifically property 126801010044001 will be utilizing the new zone change for expanding the mini storage use of property 126801010196002.

7. **Time schedule for redevelopment?** August 1st, 2021

8. **Facts to justify the change on the basis of advancing the public health, safety, and general welfare?** Demand for self storage in the area is consistently growing and the owner wants to meet the needs of the surrounding community. It will also allow the accompanying parcels (specifically the Longbranch tavern) to expand or repair their business's in the future, which are currently non-conforming under their current zoning.

9. **Affect the proposed change will have on adjacent property and on the Comprehensive Plan?** No affect to the adjacent properties.

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.

10. **Affect on the property owner(s) if the request is not granted?** It will prevent the owner of expanding his business and development. It will also prevent businesses to expand or rebuild if there is loss due to fire etc.

IF FURTHER EXPLANATION IS NEEDED FOR ANY OF THE QUESTIONS PLEASE ATTACH ADDITIONAL PAGES.

(For Staff Use Only)

Application Complete: Y N

Critical Areas: N Y: _____ *Zoning:* _____

Reviewed by: _____ *Date:* _____

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.

KNUTZEN ENGINEERING

Finley Self Storage –Zone Change – Owners June 2, 2021

Parcel 1 – 126801010196001

Signature of Legal Owner's	Printed Name	Date
B J Suarez	Benito J. Suarez	6-10-2021
Beverly J Suarez	Beverly J Suarez	6-10-2021

Owner: Suarez, Benito & Beverly
Owner Address: 230006 E SR 397 Kennewick WA 99337
Phone/Email:

Parcel 2 – 126801010196002

Signature of Legal Owner's	Printed Name	Date
SEE ABOVE FOR LLC SIGNATURE		

Owner: Finley Self Storage LLC
Owner Address: 4407 W 19th Ave. Kennewick WA 99338
Phone/Email:

Parcel 3 – 126801000037000

Signature of Legal Owner's	Printed Name	Date
Bruce Hendrickson	Bruce Hendrickson	6-12-21
Ellen Hendrickson	Ellen Hendrickson	6-12-21

Owner: Hendrickson Bruce W & Ellen M
Owner Address: 230708 E SR 397 Kennewick WA 99337
Phone/Email:

Parcel 4 – 126801010044001

Signature of Legal Owner's	Printed Name	Date
Travis Hendrickson	Travis Hendrickson	6/7/21

Owner: Hendrickson, Travis
Owner Address: 230804 E SR 397 Kennewick WA 99337
Phone/Email:

Parcel 5 – 126801010044002

Signature of Legal Owner's	Printed Name	Date
Arnulfo Iniguez	Arnulfo Iniguez	6/10/21

Owner: Iniquez, Arnulfo
Owner Address: 230904 E SR 397 Kennewick WA 99337
Phone/Email:

DESIGNATOR	ADDRESS	PARCEL #	SECTION/TOWNSHIP/RANGE	ACRES	CURRENT ZONING	PROPOSED ZONING
L1	230006 E SR 397	126801010196001	26/08/30	1.5	RL-5	GENERAL COMMERCIAL
L2	230306 E SR 397	126801010196002	26/08/30	1.5	RL-5	GENERAL COMMERCIAL
L3	230708 E SR 397	126801000037000	26/08/30	.66	HEAVY INDUSTRIAL	GENERAL COMMERCIAL
L4	230804 E SR 397	126801010044001	26/08/30	1.21	HEAVY INDUSTRIAL	GENERAL COMMERCIAL
L5	230904 E SR 397	126801010044002	26/08/30	1.04	HEAVY INDUSTRIAL	GENERAL COMMERCIAL

NORTH

RL-5

#126802010094003
RL-5

RL-5

RL-5

RL-5

SEPARATION BETWEEN DIFFERENT ZONING DESIGNATIONS

RL-5

RL-5

RL-5

RL-5

R-IND

SEPARATION BETWEEN DIFFERENT ZONING DESIGNATIONS

RL-5

#126801012126002
RL-5

#126801000022000
RL-5

RL-5

RL-5

#126801000016000
RL-5

RL-5

#126801000014000
HEAVY INDUSTRIAL

#126801000036000
HEAVY INDUSTRIAL

HEAVY INDUSTRIAL

HEAVY INDUSTRIAL

#126801000028000
RL-5

RL-5

#126801000021000
RL-5

L1

L2

L3

L4

L5

#126801010044003
HEAVY INDUSTRIAL

HEAVY INDUSTRIAL

#126801000001000
HEAVY INDUSTRIAL

#126801000029000
HEAVY INDUSTRIAL

SR 397

SEPARATION BETWEEN DIFFERENT ZONING DESIGNATIONS

0' 150' 300' 450'

1" = 150'

KNUTZEN ENGINEERING
5401 RIDGELINE DR.
SUITE 160
KENNEWICK, WA 99338
1-509-222-0959
www.knutzenengineering.com

CADFILE: 20085 REZONE Exhibit

FINLEY SELF STORAGE CPA

ZONE CHANGE MAP

KENNEWICK, WA

DESIGN	DWW
APPD	PTK
DATE	6/2/2021
NO.	SK01

Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us

Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

PCM 1.8

Determination of Non-Significance

Proponent: Dalton Walker/Knutzen Engineering
5401 Ridgeline Dr. Ste. #160
Kennewick WA 99337

File No. EA 2020-031

Project Description: Comprehensive Plan Amendment (CPA 2021-001) proposes a change in the land use designation from Rural Remote to Rural Commercial for five parcels in the Finley rural area. The Comprehensive Plan Amendment will also revise and update *Figure 5 - 2017 Periodic Update Land Use Designations Map* in *Appendix A* of the *Benton County Comprehensive Plan* and if necessary other tables and text in the Plan that may refer to the current use or designation of the property. A rezone of the property from Rural Lands 5 Acre and Light Industrial zoning designation to General Commercial zoning designation will be applied for after the Comprehensive Plan Amendment process is completed.

Project Location: Five parcels located between Lechelt Road and SR 397 in the Finley rural area. Parcels 126801010196001, 126801010196002, 126801000037000, 126801010044001, and 126801010044002 are in the Northwest Quarter of Section 26, Township 8 North, Range 30 East, W.M. Parcels are addressed as 230006 through 230904 E State Route 397.

Jurisdiction: Benton County, Washington

Lead Agency: Benton County Planning Division

Threshold Determination: The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2) the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by April 14, 2021.

Administrative appeals of threshold determinations of non-significance are not allowed.

SEPA Responsible Official: Greg J. Wendt
Position/Title: Community Development Department Director
Address: P.O. Box 910, Prosser WA 99350

Date: March 31, 2021

Greg J. Wendt, Director

DISTRIBUTION:

Applicant
Benton County Building Office
Department of Natural Resources -Ellensburg
Department of Natural Resources - Olympia
Benton Clean Air Authority
Benton County Engineer
Benton-Franklin Dist. Health Department
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 # 1
Futurewise
Department of Archaeology/Historic Preservation
Tom Price-Environmental Review Inc.
Columbia Irrigation Dist.
Dept. of Commerce

Planning Department
(509) 786-5612
P.O. Box 910
Prosser, WA 99350

www.co.benton.wa.us
planning.department@co.benton.wa.us
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

SEPA ENVIRONMENTAL CHECKLIST

PCM 1.7

File No. EA **2020-031**

A. BACKGROUND

1. Name of proposed project, if applicable: Finley Self Storage Comprehensive Plan Amendment

2. Name of applicant: Knutzen Engineering, Contact:

3. Address and phone number of applicant and contact person: 5401 Ridgeline Dr Ste#160, Kennewick WA
   Phone number: (509) 222-0959

4. Date checklist prepared: 10/12/2020

5. Agency requesting checklist: Benton County

6. Proposed timing or schedule (including phasing, if applicable): 2021 CPA review schedule

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes, the mini storage property wants to expand and construct more storage buildings. Parcel #126801010196002. The same properties will be rezoned to General Commercial pending CPA approval.

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

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

10. List any government approvals or permits that will be needed for your proposal, if known.

A comprehensive plan amendment and re-zone reviewed by Benton County.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Five parcels currently designated Rural Remote are requesting a Comprehensive Plan Amendment to be designated Rural Commercial. This will allow more opportunities for the land owners of said five parcels. The five parcels are a total of 5.91 acres in area. These same five parcels will be re-zoned to General Commercial.

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

The project includes five Benton County parcels: 126801010196001, 126801010196002, 126801000037000, 126801010044001, and 126801010044002.

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

Flat Rolling Hilly Steep Slopes Mountainous

Other _____

b. What is the steepest slope on the site (approximate percent slope)? N/A

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

N/A

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

N/A

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A

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

N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A

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

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
N/A

c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. N/A

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

   If yes, please describe and attach available plans. N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
N/A

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
N/A

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe. N/A

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: N/A

4. Plants

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

_____Deciduous tree *(alder, maple, aspen, other)*
_____Evergreen tree *(fir, cedar, pine, other)*
_____Shrubs
_____Grass
_____Pasture
_____Crop or grain
_____Orchards, vineyards or other permanent crops
_____Wet soil plants *(cattail, buttercup, bullrush, skunk cabbage, other)*
_____Water plants *(water lily, eelgrass, milfoil, other)*
_____Other types of vegetation

b. What kind and amount of vegetation will be removed or altered? N/A

c. List threatened and endangered species known to be on or near the site. N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A

e. List all noxious weeds and invasive species known to be on or near the site. N/A

5. Animals

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

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

c. Is the site part of a migration route? If so, explain. N/A

d. Proposed measures to preserve or enhance wildlife, if any: N/A

e. List any invasive animal species known to be on or near the site. N/A

6. Energy and Natural Resources

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

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

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

7. Environmental Health

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

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

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project

area and in the vicinity. N/A

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

N/A

4) Describe special emergency services that might be required. N/A

5) Proposed measures to reduce or control environmental health hazards, if any: N/A

b. Noise

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

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

3) Proposed measures to reduce or control noise impacts, if any: N/A

8. Land and Shoreline Use

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

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

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: N/A

c. Describe any structures on the site. N/A

d. Will any structures be demolished? If so, what? N/A

e. What is the current zoning classification of the site? N/A

f. What is the current comprehensive plan designation of the site? N/A

g. If applicable, what is the current shoreline master program designation of the site? N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. N/A

i. Approximately how many people would reside or work in the completed project? N/A

j. Approximately how many people would the completed project displace? N/A

k. Proposed measures to avoid or reduce displacement impacts, if any: N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: N/A

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: N/A

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing. N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing. N/A

c. Proposed measures to reduce or control housing impacts, if any: N/A

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A

b. What views in the immediate vicinity would be altered or obstructed? N/A

c. Proposed measures to reduce or control aesthetic impacts, if any: N/A

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A

c. What existing off-site sources of light or glare may affect your proposal? N/A

d. Proposed measures to reduce or control light and glare impacts, if any: N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? N/A

b. Would the proposed project displace any existing recreational uses? If so, describe. N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. N/A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. N/A

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A

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

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A

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

commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? N/A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. N/A

h. Proposed measures to reduce or control transportation impacts, if any: N/A

15. Public Services

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

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

16. Utilities

a. Circle utilities currently available at the site: N/A

electricity natural gas water refuse service telephone sanitary sewer system other

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

N/A

C. SIGNATURE

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

Signature: Paul Knutzen

Name of Signee Paul Knutzen

Position and Agency/Organization President / Knutzen Engineering

Date Submitted: 10/27/2020

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? It is not expected that development authorized by the proposed Comprehensive Plan Amendment would result in any increase of discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise.

a. Proposed measures to avoid or reduce such increases are: Development in Benton County must comply with all current land use and environmental permitting requirements.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed amendment and rezone is not expected to affect plants, animals, fish or marine life.

a. Proposed measures to protect or conserve plants, animals, fish, or marine life are: None.

3. How would the proposal be likely to deplete energy or natural resources? The proposed amendment change and rezone is not expected to result in additional depletion of energy or natural resources.

a. Proposed measures to protect or conserve energy and natural resources are: None.

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

The proposed Comprehensive Plan Amendment and rezone is not expected to affect environmentally sensitive areas or areas designated for governmental protection.

a. Proposed measures to protect such resources or to avoid or reduce impacts are: None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The proposal will allow for commercial uses on the listed properties. The change from Rural Remote to Rural Commercial will allow for continued improvements to be made to the existing businesses on the properties.

a. Proposed measures to avoid or reduce shoreline and land use impacts are: None.

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

The proposal may increase demands on transportation as well as public services and utilities if further commercial development occurs.

a. Proposed measures to reduce or respond to such demand(s) are: Further development will increase tax revenue for the County to maintain the increase in demand of public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed Comprehensive Plan Amendment and rezone would not conflict with local, state or federal laws or requirements for the protection of the environment. Any future commercial development as a result of this Amendment will be licensed and permitted according to Benton County and Washington State policies and laws.

Donna Hutchinson

From: Clark Posey
Sent: Monday, July 26, 2021 3:03 PM
To: Planning Department
Subject: RE: Zone Change Request - ZC 2021-001 Knutzen Eng. for Finley Self Storage et al

Fire Marshal comments: Applicant is meeting the requirements for fire suppression by installing water storage tanks.

1) Zone Change RL-5 to General Commercial and Heavy Industrial to General Commercial
2) CUP Application
3) Hearing with Hearings Examiner
4) If approved issue a Building Permit

The change will require a CUP for Storage Units, yet construction is and has been taking place BP # 35105. Permit Date 1/28/2021 IWORQ'S

No construction should be taking place until the CUP is approved.

Are we assuming the Hearings Examiner is approving this CUP without a hearing?

Clark

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, July 23, 2021 10:59 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; City of Kennewick -Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>; Fire District #1 - Billie <billie@bentonone.org>; Fire District # 1 - Scott <scott@bentonone.org>; School District # 17-Ryan Jones <Ryan.Jones@ksd.org>; Kennewick Irrigation District - Ben Woodard <bwoodard@kid.org>; Kennewick Irrigation District - Seth Defoe <sdefoe@kid.org>; Columbia Irrigation District <CID@columbiairrigation.com>; Clark Posey <Clark.Posey@co.benton.wa.us>; Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>
Subject: RE: Zone Change Request - ZC 2021-001 Knutzen Eng. for Finley Self Storage et al

Attached for your review and comment is a Zoning Reclassification (ZC 2021-001) application which is being submitted to you for review and any response that you may have concerning it. This petition will be heard at a hearing before the Benton County Planning Commission at a later date. If you have any questions, please feel free to call this office.

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

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

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

Donna Hutchinson

From: Cristina Woods
Sent: Wednesday, July 28, 2021 3:49 PM
To: Planning Department
Subject: RE: Zone Change Request - ZC 2021-001 Knutzen Eng. for Finley Self Storage et al

Good afternoon

Public Works has no comments.

Thank you

Cristina Woods, MS • *Engineering Associate II*
Benton County Public Works
102206 Wiser Parkway , WA, 99338
cristina.woods@co.benton.wa.us
(509) 786-5611

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Friday, July 23, 2021 10:59 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; City of Kennewick -Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>; Fire District #1 - Billie <billie@bentonone.org>; Fire District # 1 - Scott <scott@bentonone.org>; School District # 17-Ryan Jones <Ryan.Jones@ksd.org>; Kennewick Irrigation District - Ben Woodard <bwoodard@kid.org>; Kennewick Irrigation District - Seth Defoe <sdefoe@kid.org>; Columbia Irrigation District <CID@columbiairrigation.com>; Clark Posey <Clark.Posey@co.benton.wa.us>; Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>
Subject: RE: Zone Change Request - ZC 2021-001 Knutzen Eng. for Finley Self Storage et al

Attached for your review and comment is a Zoning Reclassification (ZC 2021-001) application which is being submitted to you for review and any response that you may have concerning it. This petition will be heard at a hearing before the Benton County Planning Commission at a later date. If you have any questions, please feel free to call this office.

Donna Hutchinson
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EXHIBIT LIST FOR
Zone Change Request - ZC 2021-002

			DATED
Planning Commission Staff Memo Exhibit List - September 14, 2021			
PCM 1 Includes:	PCM 1.1	Staff Memo	August 30, 2021
	PCM 1.2	Current Zoning Vicinity Map	June 22, 2021
	PCM 1.3	Proposed Zoning Vicinity Map	June 22, 2021
	PCM 1.4	Notice of Public Hearing	August 25, 2021
		APPLICATION SUBMITTAL	
	PCM 1.5	Zone Change Application	July 21, 2021
	PCM 1.6	Site Map	June 2, 2021
		SEPA INFORMATION	
	PCM 1.7	Determination of Non-Significance	November 18, 2021
	PCM 1.8	SEPA Checklist	March 31, 2021
		COMMENTS	
	PCM 1.9	Kennewick Irrigation District	July 27, 2021
	PCM 1.10	Public Works Comments	July 30, 2021
	PCM 1.11	Department of Transportation	June 10, 2021
	PCM 1.12	Benton County Fire Marshal	April 1, 2021
	PCM 1.13	Benton County Public Works	April 27, 2021
	PCM 1.14	Kennewick Irrigation District	April 14, 2021
Board of County Commissioners Staff Memo List -DATE			
BCCM Includes:	BCCM 1.1	Board of County Commissioners Agenda Action Sheet	Sept. 29, 2021
	BCCM 1.2	Board of County Commissioners Resolution	Sept. 29, 2021
	BCCM 1.3	Planning Commission Recommendation, Findings of Fact and Conclusions	October 1, 2021

The Exhibit Numbers are found in the Top Right Hand Corner of each document.
PCM = Planning Commission Memo Exhibits
PCH = Planning Commission Hearing Exhibits
BCCM = County Commissioner Memo Exhibits
BCCH = Board of County Commissioners Hearing Exhibits submitted during Hearing

COMMISSIONERS' AGENDA ACTION SHEET

Meeting Date:	October 12, 2021 **Memo Date:** September 23, 2021
Subject:	Request for Zone Change - ZC 2021-002, Applicant: Knutzen Engineering
Presenter:	Michelle Cooke, Assistant Planning Manager
Prepared By:	Brian Malley
Reviewed By:	Michelle Cooke
PA Review, Approval to Form:	☐ Yes ☐ No ☒ N/A (*If no, include reasoning for no approval)*

Type of Agenda Item:	**Type of Action Needed:** *(Multiple boxes can be checked, if necessary)*	
☐ Consent Agenda	☐ Discussion Only	☒ Pass Motion
☐ Public Hearing	☒ Decision / Direction	☒ Pass Resolution
☒ Scheduled Business	☒ Sign Letter / Document	☐ Pass Ordinance
		☐ Execute Contract

Summary / Background Information

The applicant has submitted an application (PCM 1.5) requesting a change in the zoning designation on two (2) parcels, legally described as Lots 1 and 2 of Short Plat 3669 which are located on the north side of E. Wiser Parkway and west of E. Detrick PR SE, in unincorporated Benton County, from Light Industrial to Interchange Commercial.

On September 14, 2021, at the conclusion of the open record hearing, the Planning Commission voted (4-1) to forward a positive recommendation to the Board of County Commissioners adopting the eleven (11) findings and conclusions with respect to File No. ZC 2021-002 as their own and recommending approval to the Board of County Commissioners. The Planning Commission's record and recommendation for ZC 2021-002 is being submitted for the Board's review and decision.

The Benton County Commissioners set Tuesday, October 12, 2021 at 9:00 a.m. for the Board of County Commissioners to conduct a Closed Record Appeal Hearing with reference to this application. With the completion of the open record hearing, the Benton County Code requires the Board of County Commissioners conduct a closed record (appeal) hearing with reference to this zone change. The Board of County Commissioners must make a final decision on the zone change application based on the Planning Commission's Open Record Hearing and cannot consider any testimony other than the testimony presented to the Planning Commission at their Open Record Hearing. The only information the Board can consider is the clarification of statements regarding the testimony and information contained in the Planning Commission Record for this application.

Fiscal Impact - Maintenance of new County Roads

Amount: Unknown

Fund: Unknown

Recommendation

Planning Commission recommendation:

At the conclusion of the open record hearing, the Planning Commission voted 4-1, to adopt the findings and conclusions with respect to ZC 2021-002, and recommend APPROVAL to the Board of County Commissioners.

Planning Department recommendation**:**

It is the Planning Division's recommendation that the Board of County Commissioners approve zone change request ZC 2021-002 as submitted, subject to the Planning Commission's Recommendation, Findings of Fact and Conclusions.

Suggested Motion

I move that the Board of County Commissioners adopt the Planning Commission's Recommendation, Findings of Fact and Conclusions as the Board's own and approve zone change request ZC 2021-002 as recommended by the Planning Commission.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY PLANNING REGARDING A CHANGE IN THE ZONING CLASSIFICATION FOR TWO PARCELS FROM LIGHT INDUSTRIAL TO INTERCHANGE COMMERCIAL ON LOTS 1 AND 2 OF SHORT PLAT 3669. APPLICATION ZC 2021-002 – 5D DEVELOPMENT, APPLICANT: KNUTZEN ENGINEERING, Parcel #1-1188-101-3669-001 and #1-1188-101-3669-002.

WHEREAS, the Benton County Planning Commission after conducting an open record hearing in person and via a WebEx virtual meeting format on September 14, 2021, recommended approval of the proposed change in zoning classification on Lots 1 and 2 of Short Plat 3669 from Rural Light Industrial to Interchange Commercial; and,

WHEREAS, the Board of County Commissioners did conduct a closed record appeal hearing in person and via a WebEx virtual meeting format on October 12, 2021, at 9:00 a.m. in the Commissioners Meeting Room, Third Floor of the Courthouse, Prosser, Washington to consider the above proposed change in zoning classification from; and,

WHEREAS, the Board of County Commissioners did review the Planning Commission and staff's recommendations and finds that proper legal notification, public hearing and review have been made and it appears to be in the public interest to accept said recommendation; and,

NOW THEREFORE BE IT RESOLVED, the Board adopts the Planning Commission's Recommendation, Findings of Fact, and Conclusions dated October 1, 2021, as retained in File No. ZC 2021-002 located in the Planning Office as its Findings of Fact;

BE IT FURTHER RESOLVED that the Board of County Commissioners APPROVES Zone Change Application ZC 2021-002 for the change in zoning classification on two (2) parcels from Light Industrial to Interchange Commercial for the following properties:

> Lots 1 and 2 of Short Plat 3669 (current Parcel Numbers: 1-1188-101-3669-001 and #1-1188-101-3669-002

Dated this 12th day of October 2021

_____
Chairman of the Board

_____
Member

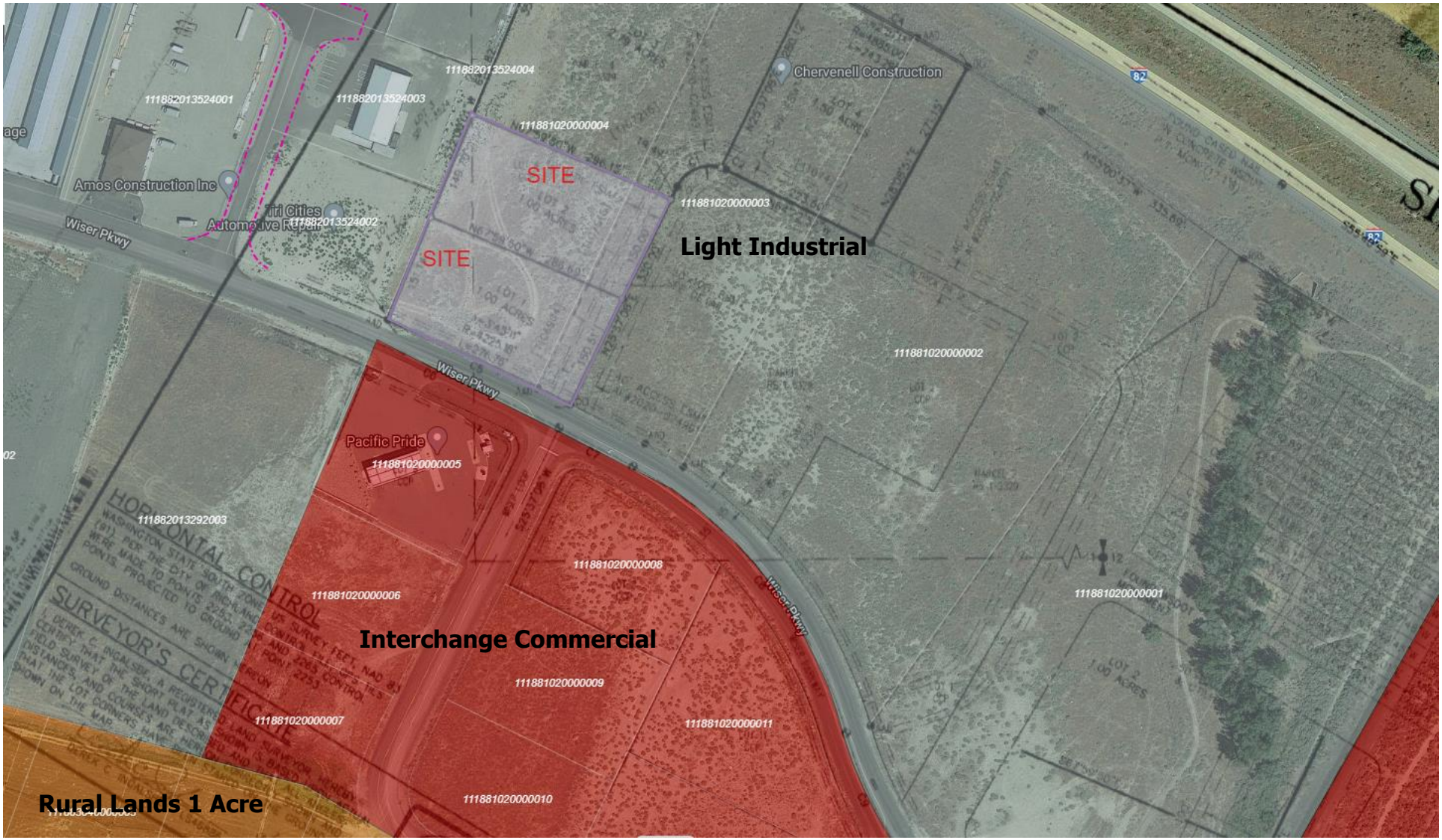
_____
Member
Constituting the Board of County Commissioners of Benton County Washington.

Attest.....
Clerk of the Board

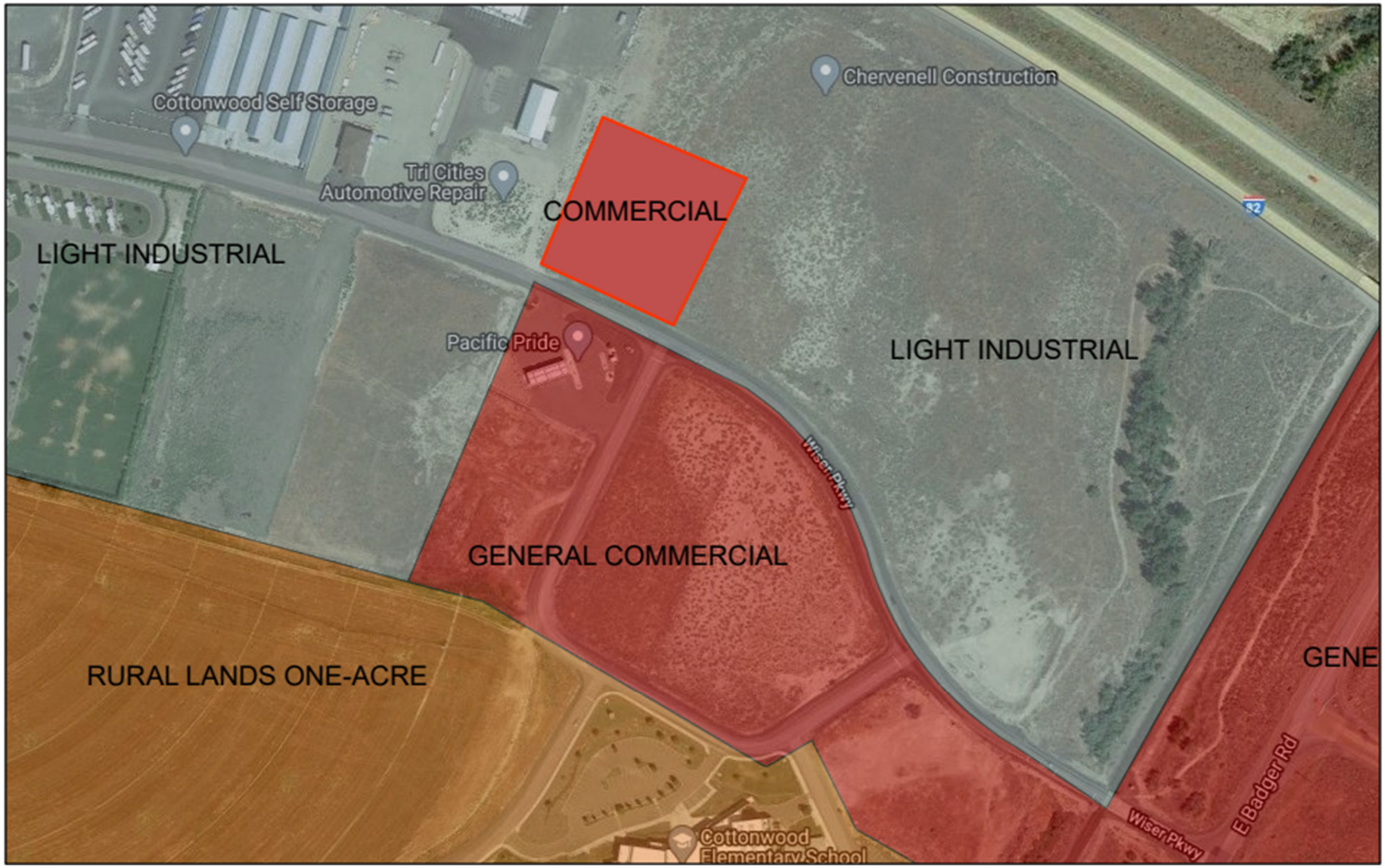
MC

PCM 1.2

ZC 2021-002/EA 2020-036
Current Zoning Designations
July 23, 2021



ZC 2021-002/EA 2020-036
Proposed 2021 Zoning Designations
July 23, 2021



BCCM 1.3

**RECOMMENDATION OF THE
BENTON COUNTY PLANNING COMMISSION**

RE: Zone Change Request
to change the zoning designation on
two (2) parcels, legally described as
Lot 1 and Lot 2 of Short Plat 3669, from
Light Industrial to Interchange Commercial

File No. ZC 2021-002

RECOMMENDATION, FINDINGS OF FACT
AND CONCLUSIONS

RECOMMENDATION

ZC 2021-002: A proposal by Knutzen Engineering on behalf of 5D Development to change the zoning designation on two (2) parcels, legally described as Lots 1 and 2 of Short Plat 3669, from Light Industrial to Interchange Commercial. The proposal is hereby recommended to be **APPROVED**. This action is based upon the following findings pursuant to RCW 36.70A.

LEGAL DESCRIPTION

The area that is proposed to be changed to Interchange Commercial designation is made up of two (2) parcels generally described as follows: Lots 1 and 2 of Short Plat 3669 located in Section 11, Township 8 North, Range 28 East, W.M., Benton County, Washington and are located on the northwest corner of the intersection of E. Wiser Parkway and Detrick PR SE.

RESOLUTION

WHEREAS, the Legal notification pursuant to RCW 36.70A.035 was given on September 1, 2021 in the Prosser Record Bulletin; and,

WHEREAS, the public hearing was held on September 14, 2021 at 6:00 p.m., through both an in-person and virtual hearing setting; and,

WHEREAS, the following members were present, Martin Sheeran, Brian Skeels, Tammara McKeirnan, Marjorie Kaspar, and Lloyd Coughlin; and,

WHEREAS, the Planning Commission considered all evidence and testimony submitted and after discussion voted four members in favor, and one opposed, to recommend approval of Zone Change request (ZC 2021-002) by Knutzen Engineering changing the Zoning designation from Light Industrial to Interchange Commercial on two (2) contiguous parcels, known as Lot 1 and Lot 2 of Short Plat 3669; and,

WHEREAS, the Planning Commission is entering its written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

FINDINGS AND CONCLUSIONS

Zone Change consistency with Benton County Code (BCC) 11.53 – Amendments and Appeals:

1. The application submittal, public notice, and procedural steps for this application is in compliance with Benton County Code Chapter 11.53 Amendments and Appeals.
   a. The application for ZC 2021-002 was submitted to the Benton County Planning Division on July 21, 2021.
   b. The application was declared complete for processing on July 23, 2021.
   c. The application documents were distributed to reviewing agencies on July 23, 2021.
   d. Legal notification for the Planning Commission public hearing was published on September 1, 2021 in the Prosser Record Bulletin.
   e. Notice of the Planning Commission public hearing was emailed/mailed to property owners of record within 300 feet of the proposal on August 26, 2021.
   f. ZC 2021-002 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.
   g. A public hearing was held before the Planning Commission on September 14, 2021.
   h. The Benton County Planning Department analyzed the application for consistency with the Growth Management Act, the Benton County Comprehensive Plan, and the County-Wide Planning Policies, and other regulations adopted by Benton County as applicable.

2. The application submittal, eligibility, public notice, and procedural steps for ZC 2021-002 have been consistent with *Benton County Code (BCC) Chapter 11.53.020 Zoning – Amendments and Appeals, Zoning Map and Text Amendments.*

3. The applicant is requesting to change the zoning designation for two (2) contiguous parcels located in unincorporated Benton County. The parcels, which are currently zoned Light Industrial (LI) are requested to be designated Interchange Commercial (IC).

4. The applicant is Knutzen Engineering whose mailing address is 5401 Ridgeline Dr., Suite 160, Kennewick, WA 99338.

5. The properties are addressed as 106904 and 107010 E. Detrick PR SE, Kennewick, WA 99338 and are located approximately 1/4 mile west of the intersection of Wiser Parkway and E. Badger Road (Parcel #1-1188-101-3669-001 and #1-1188-101-3669-002).

6. The properties collectively comprise approximately 2.0 acres in size.

A majority of the Planning Commission members find that all of the facts set forth in the Planning Department Staff Report dated August 30, 2021 are accurate. Supporting documents have been considered and addressed.

THEREFORE, BE IT RESOLVED THAT THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion, adopts these findings and conclusions with respect to File No. ZC 2021-001, and hereby recommends APPROVAL to the Board of County Commissioners that the Zoning designation on five (5) contiguous parcels located on the north side of State Route 397 be changed from Rural Lands Five Acre and Heavy Industrial to General Commercial for the following parcel numbers: 1-2680-101-0196-001, 1-2680-101-0196-002, 1-2680-100-0037-000, 1-2680-101-0044-001, and 1-2680-101-0044-002.

10/1/21

MARTIN SHEERAN, Chairman Dated
BENTON COUNTY PLANNING COMMISSION

Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us

Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

PCM 1.1

STAFF REPORT TO THE
BENTON COUNTY PLANNING COMMISSION

FILE NO:	**ZC 2021-002** ***(Zone Change Request)***
MEMO DATE:	August 30, 2021
HEARING DATE:	September 14, 2021
APPLICANT/OWNER:	Knutzen Engineering 5401 Ridgeline Dr., Suite 160, Kennewick, WA 99338
LOCATION:	General Location: The properties are on the north side of E. Wiser Parkway and west of E. Detrick PR SE, located approximately 1/4 mile west of the intersection of Wiser Parkway and E. Badger Road. Legal: Lots 1 and 2 of Short Plat 3669. Parcel Numbers: 1-1188-101-3669-001 and 1-1188-101-3669-002
PROPERTY SIZE:	Approximately 2.0 acres, collectively.
AREA TO BE USED:	N/A
LAND USE:	Undeveloped
ZONING:	Light Industrial
COMP PLAN:	Rural Commercial
SUGGESTED STAFF RECOMMENDATION:	Planning Division staff recommend that the Planning Commission forward to the Board of County Commissioners a recommendation to approve Zone Change Request ZC 2021-002, subject to the twelve (12) findings of fact.

APPLICATION DESCRIPTION:

ZC 2021-002 (PCM 1.4), proposes to change the zoning designation for two (2) contiguous parcels located on the north side of E. Wiser Parkway and west of E. Detrick PR SE, in unincorporated Benton County. If approved, the zone change will require the need to update Official Zoning Map A-4, through a subsequent adopting ordinance, to reflect the change in the zoning designation of these parcels.

The subject parcels, consisting of 2.0 acres, are currently zoned Light Industrial (LI) district. The applicant proposes to change the zoning designation to Interchange Commercial.

The requested zone change would allow commercial activities, potentially including retail and services, to an area of Benton County experiencing increased residential growth.

PUBLIC NOTICE:

1. The application for ZC 2021-002 was submitted to the Benton County Planning Division on July 21, 2021 (PCM 1.5)

2. The application was declared complete for processing on July 23, 2021.

3. The application documents were distributed to reviewing agencies on July 23, 2021.

4. Legal notification for the Planning Commission public hearing was published on September 1, 2021 in the Prosser Record Bulletin (PCM 1.4).

5. Notice of the Planning Commission public hearing was emailed/mailed to property owners of record within 300 feet of the proposal on August 26, 2021.

6. ZC 2021-002 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.

7. The Planning Commission public hearing is scheduled for September 14, 2021.

APPLICABLE STANDARDS/ORDINANCES:

1. Benton County Code (BCC) 11.53.020, Zoning – Zoning Map and Text Amendments.

2. Benton County Code (BCC) 11.53.020, Zoning – Amendments - Initiation.

3. Benton County Code (BCC) 11.53.020, Zoning – Application Required – Non-Refundable Application Fee.

4. Benton County Code (BCC) 11.53.020, Zoning – Planning Commission Hearing.

AGENCY COMMENTS:

1. The application documents were distributed to the following reviewing agencies on July 23, 2021.

    a. Benton County Public Works Department
    b. Benton-Franklin Health District
    c. Washington State Department of Transportation
    d. Benton County Fire Marshal
    e. Benton County Fire District #1
    f. City of Kennewick
    g. Kennewick Irrigation District
    h. Kennewick School District

2. Agency comments were received from:

    a. Kennewick Irrigation District
    b. Benton County Public Works

3. The following are general comments and discussion points from the Planning Division:

   a. The Planning Division analyzed the application for consistency with the Benton County Comprehensive Plan, Benton County Code, and other regulations adopted by Benton County as applicable.
   b. The subject parcels are designated Rural Commercial by the Benton County Comprehensive Plan.
   c. The request for zone change, if approved, will provide for consistency between the Zoning designation and the Comprehensive Plan designation.
   d. If approved, the proposed land use of General Commercial (GC) will allow activities, potentially including retail and services, to an area of Benton County experiencing increased residential growth.
   e. Adjoining properties predominantly involve light industrial uses to the north and west, with commercial zoning designation on parcels to the immediate south. A fueling station exists across Wiser Parkway from the subject parcels, with the other adjacent parcels undeveloped.
   g. ZC 2021-002 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.

CRITERIA FOR FINDINGS OF FACT:

1. **Benton County Code (BCC) 11.53.020**, Zoning – Amendments and Appeals, Zoning Map and Text Amendments.

   (a) The Board of Commissioners may, upon recommendation of the County Planning Commission, change by ordinance the following:
   (1) The Benton County Official Zoning Map, pursuant to Chapter 11.05 BCC, including zoning district boundary lines and zoning classifications.

2. **Benton County Code (BCC) 11.53.050**, Zoning-Amendments and Appeals, Amendments - Planning Commission Hearing.

   After holding at least one open record hearing, the County Planning Commission shall transmit to the Board of County Commissioners its recommendations for the zoning map or zoning text amendment. The Planning Commission may recommend for the approval, approval with conditions, or denial of the application request. The Planning Commission must make Findings of Fact with respect to the following:
   (a) The amendment to the zoning map or zoning text will not result in any building construction, land use or other development related activity which would be detrimental to or endanger the public health, safety, comfort, or general welfare of the community as a whole or any portion thereof.
   (b) The amendment to the zoning map or zoning text is consistent with the spirit and intent of the Benton County Zoning Ordinance and Comprehensive Plan.

SUGGESTED RECOMMENDATION

The Benton County Planning Division recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for application ZC 2021-002, with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

The following Findings of Fact are based on comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for ZC 2021-002 will need to be considered by the Planning Commission and may be added to the suggested Findings of Fact as set forth below. The Planning Commission may decide to adopt these as their own or amend/add to these Findings of Fact after holding the open public hearing.

FINDINGS OF FACT

1. The applicant is requesting to change the zoning designation for two (2) contiguous parcels located in unincorporated Benton County. The parcels, which are currently zoned Light Industrial (LI) are requested to be designated Interchange Commercial (IC).

2. The applicant is Knutzen Engineering whose mailing address is 5401 Ridgeline Dr., Suite 160, Kennewick, WA 99338.

3. The properties are addressed as 106904 and 107010 E. Detrick PR SE, Kennewick, WA 99338 and are located approximately 1/4 mile west of the intersection of Wiser Parkway and E. Badger Road (Parcel #1-1188-101-3669-001 and #1-1188-101-3669-002).

4. The properties collectively comprise approximately 2.0 acres in size.

5. The subject parcels are currently designated Rural Commercial by the Benton County Comprehensive Plan.

6. If approved, the proposed land use designation of Interchange Commercial will:
   (a) Provide for consistency between the Zoning designation and Comprehensive Plan designation;
   (b) Allow for commercial activities, potentially including retail and services, to an area of Benton County experiencing increased residential growth; and
   (c) Provide additional employment opportunities in the unincorporated portions of Benton County.

7. The amendment to the zoning map will not result in any building construction, land use or other development related activity which would be detrimental to or endanger the public health, safety, comfort or general welfare of the community as a whole or any portion thereof.

8. The amendment to the zoning map is consistent with the spirit and intent of the Benton County Zoning Ordinance and Comprehensive Plan.

9. The application for ZC 2021-002 is consistent with the Growth Management Act (GMA) RCW 36.70A.

10. Adjoining properties predominantly involve light industrial uses to the north and west, with commercial zoning designation on parcels to the immediate south.

11. Public notice and application requirements have been completed for the Comprehensive Plan Amendment request as follows:
    a. The application for ZC 2021-002 was submitted to the Benton County Planning Division on July 21, 2021 (PCM 1.5).
    c. The application was declared complete for processing on July 23, 2021.
    e. The application documents were distributed to reviewing agencies on July 23, 2021.
    e. Legal notification for the Planning Commission public hearing was published on September 1, 2021 in the Prosser Record Bulletin (PCM 1.4).
    h. Notice of the Planning Commission public hearing was emailed/mailed to property owners of record within 300 feet of the proposal on August 26, 2021.
    i. The Planning Commission public hearing is scheduled for September 14, 2021.
    j. ZC 2021-002 was reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on March 31, 2021 with a 14-day comment period.

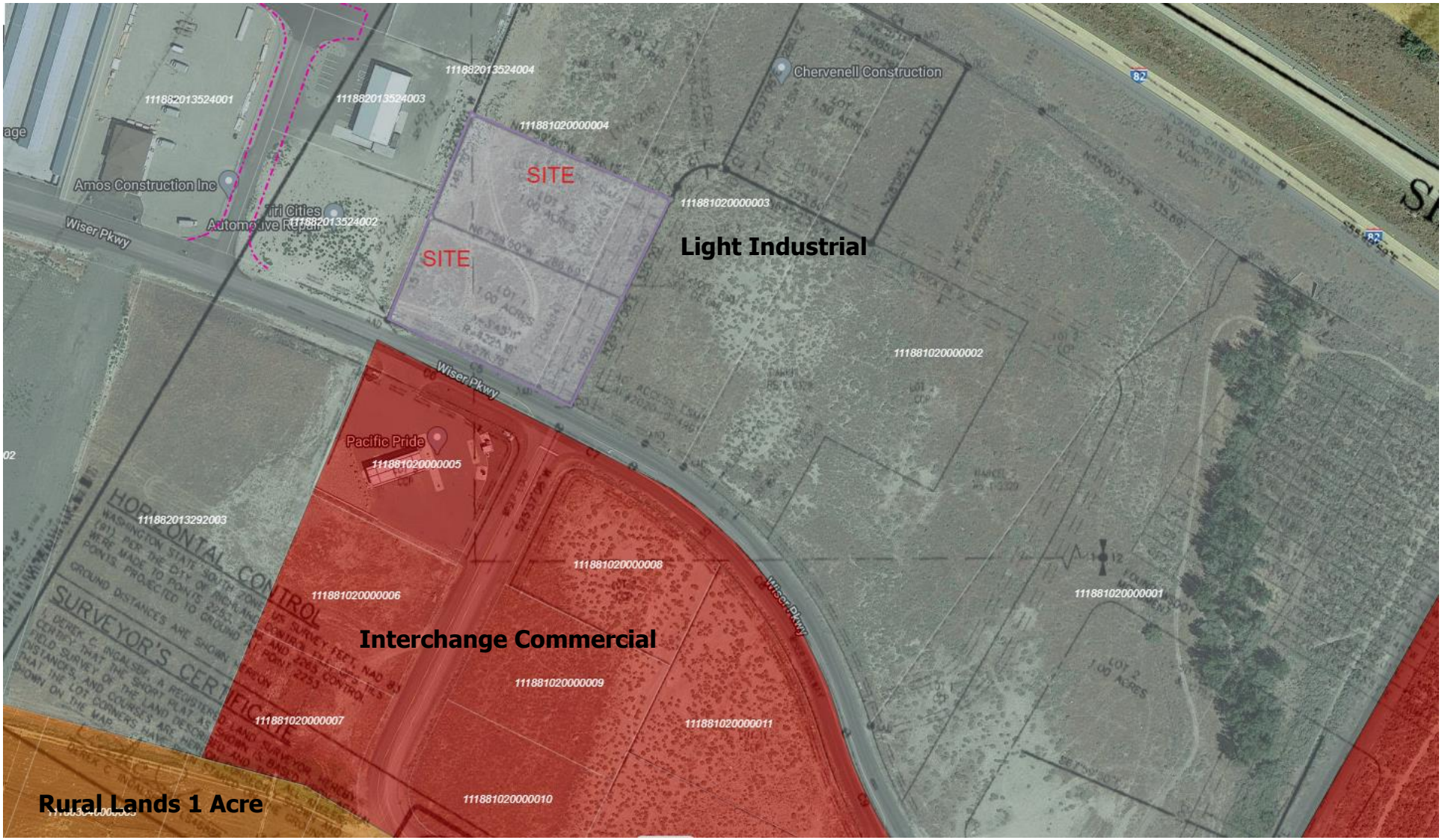
12. The application submittal, eligibility, public notice, and procedural steps for ZC 2021-002 have been consistent with *Benton County Code (BCC) Chapter 11.53.020 Zoning – Amendments and Appeals, Zoning Map and Text Amendments.*

SUGGESTED MOTION

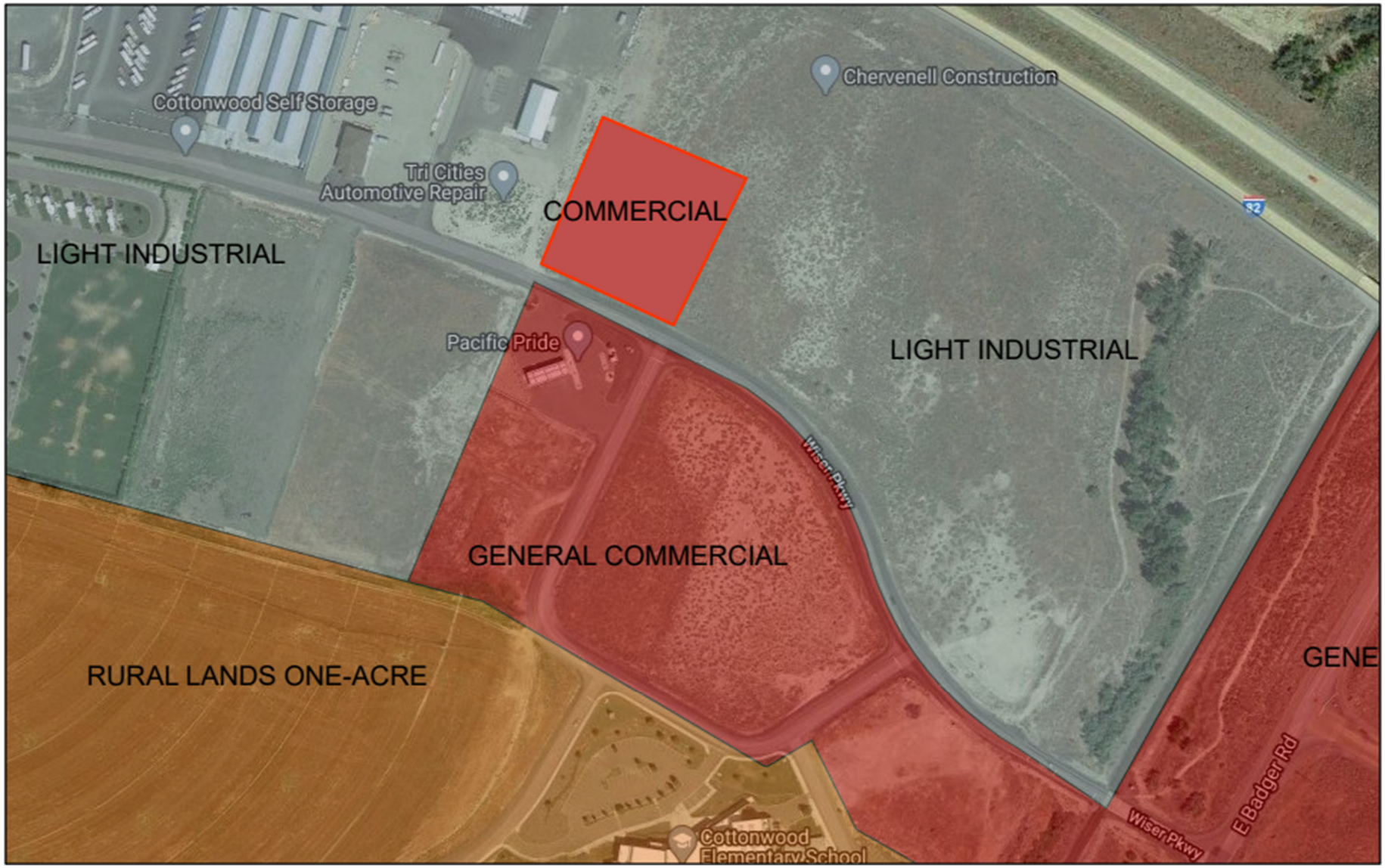
I move that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the commission's **recommendation for approval** of the proposed Zone Change, ZC 2021-002, that articulate and are consistent with the conclusions and recommendations of the commission and the twelve (12) Findings of Fact listed in the Staff Report dated August 30, 2021.

ZC 2021-002/EA 2020-036
Current Zoning Designations
July 23, 2021

PCM 1.2



ZC 2021-002/EA 2020-036
Proposed 2021 Zoning Designations
July 23, 2021



Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us

Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

PCM 1.4

NOTICE OF PUBLIC HEARING

NOTICE OF HEARING BEFORE THE BENTON COUNTY PLANNING COMMISSION in the matter of county planning on September 14, 2021 at 6:00 p.m., via **in person and virtual meeting format in the Meeting Room on the first floor of the Courthouse, 620 Market Street, Prosser WA. The entry to the meeting room is located off Main Street on the East side of the Courthouse.** (see below for more information).

ZC 2021-001/EA 2020-031 - A proposal by Travis Hendrickson/Finley Self Storage, requesting a change in the zoning land use designation from Rural Lands 5 Acre and Heavy Industrial to General Commercial on five parcels located in the Finley rural area between Lechelt Road and SR 397, in the Northwest Quarter of Section 26, Township 8 North, Range 30 East, W.M.

ZC 2021-002/EA 2020-036 - A proposal by 5D Development requesting a change in the zoning land use designation from Light Industrial to Interchange Commercial on Lots 1 and 2 of short plat 3669 located off E. Detrick PR SE and Wiser Parkway in Section 11, Township 8 North, Range 28 East, W.M.

NOTICE IS FURTHER GIVEN that said zone change proposals have been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklists and other information and determinations have been made as to the environmental impacts of these proposals and Declarations of Non-significance were issued on March 31, 2021. Comments regarding these determinations and the environmental impacts of these proposals may be made to the planning department by 5 p.m. on September 13, 2021.

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

If you wish to provide comments via WebEx on the proposal before the Planning Commission, we ask that you please fill out our online form (found at https://tinyurl.com/testifyform) and submit your request to our office. **You must submit a request form to participate for each hearing that you wish to attend.** If you prefer to make the request by phone, please call our office at 786-5612

and we can add you to the list for providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item.

NOTICE IS FURTHER GIVEN THAT all testimony for or against the proposals will be taken at this time. All concerned persons may appear and present any support or objections to the proposed zone changes. Further information regarding this matter and copies of the proposed zone changes are available on the County website or from the Planning Division, P.O. Box 910, Prosser, WA 99350 or by calling (509) 786-5612.

DATED this 25th day of August 2021.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION

Michelle Cooke, Assistant Planning Manager

PUBLISH: September 1, 2021

Planning Department
(509) 786-5612
P.O. Box 910
Prosser, WA 99350

www.co.benton.wa.us
planning.department@co.benton.wa.us
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway

RECEIVED
JUL 21 2021
Benton Co. Planning Dept.

ZONE CHANGE APPLICATION

Application No. ZC 2021-002

APPLICANT INFORMATION

Please check the box indicating primary contact person for this application

☐ **Applicant/Agent:** Dalton Walker - Knutzen Engineering

Mailing Address: 5401 Ridgeline Dr. Ste 160 City: Kennewick

State: WA ZIP: 99338 Phone: 509-222-0959 Work: _____

Email Address: dalton@knutzenengineering.com

Signature: _____ Date: _____

☐ **Property Owner(s)** *(if different)*: 5D Development at Cottonwood I LLC - Mike Detrick

Mailing Address: 410 Fanning Rd. City: Pasco

State: WA ZIP: 99301 Phone: 509-727-9107 Work: _____

Email Address: mike@D9contractors.com

Signature: _____ Date: _____

Signature: _____ Date: _____

**If there are additional owners please copy this section, sign, and attach to the application*

If the property is owned by a corporation, trust, partnership or LLC please complete the entity signature block below showing that the person signing has the authority to sign on behalf of the company.

ENTITY SIGNATURE BLOCK

If the applicant or legal owner of the property is a corporation, partnership, trust or LLC please use the following signature block.

Applicant/Legal Owner: 5D Development at Cottonwood I LLC

Officer name: Mike Detrick

Title: MANAGER / OWNER

Signature: _____ Date: JUNE 10, 2021

THE ABOVE SIGNED OFFICER OF 5D DEVELOPMENT AT COTTONWOOD I *(name of entity)* WARRANTS AND REPRESENTS THAT ALL NECESSARY LEGAL AND CORPORATE ACTIONS HAVE BEEN DULY UNDERTAKEN TO PERMIT MIKE DETRICK TO SUBMIT THIS APPLICATION AND THAT THE ABOVE SIGNED OFFICER HAS BEEN DULY AUTHORIZED AND INSTRUCTED TO EXECUTE THIS APPLICATION.

Any information submitted to the Benton County Planning 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.

PARCEL INFORMATION

1. **Subject property address:** ~~Lot 1 & Lot 2 of Parent parcel 111881020000004 (Short Plat 3669).~~ No known Address - vacant land

   City: _____ **State:** _____ **ZIP:** _____

2. **Parcel number(s) to be rezoned:** 1-1188-101-3669-001
   1-1188-101-3669-002

3. **Utilities:** *Power:* ☒ Benton PUD ☐ Benton REA
   Sewer: ☒ Septic Tank ☐ City Sewer: *(Provider)* _____
   Water: ☐ Individual Wells ☐ One well serving 2 or more lots
   ☐ Private System *(Provider & Address)* _____
   ☒ City System *(Provider)* City of Kennewick
   Gas: ☐ No ☒ Yes: *(Provider)* Cascade Natural Gas
   Cable: ☐ No ■ Yes: *(Provider)* Charter
   Phone: ☐ No ■ Yes: *(Provider)* Charter
   Irrigation: ■ No ☐ Private ☐ District: *(Provider)* _____

4. **We the applicant(s) listed above who is/are the owner(s)/contract purchaser(s) do hereby petition the Benton County Planning Commission to have the real property listed above to be changed from the zoning classification of** Light Industrial **to the zoning classification of** Interchange Commercial

5. **Comprehensive Plan designation:** Rural Commercial

6. **The change in classification for the above described property is requested for the purpose of conducting the following use(s) which is/are known to be consistent with the requested zoning classification:** None decided yet, but the owners want to allow for more commercial uses.

7. **Time schedule for redevelopment?** TBD

8. **Facts to justify the change on the basis of advancing the public health, safety, and general welfare?**
   With the increasing residential development in the surrounding area there is a lack of supporting commercial development and businesses. This will allow more developers to provide a better means of living for the vastly residential neighboring community.

9. **Affect the proposed change will have on adjacent property and on the Comprehensive Plan?**
   The proposed change will have no affects to neighboring properties and the comprehensive plan has been changed to rural commercial to accommodate the new zoning.

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10. **Affect on the property owner(s) if the request is not granted?** The owner will have likely have fewer interested parties to develop the properties to benefit the community.

IF FURTHER EXPLANATION IS NEEDED FOR ANY OF THE QUESTIONS PLEASE ATTACH ADDITIONAL PAGES.

(For Staff Use Only)

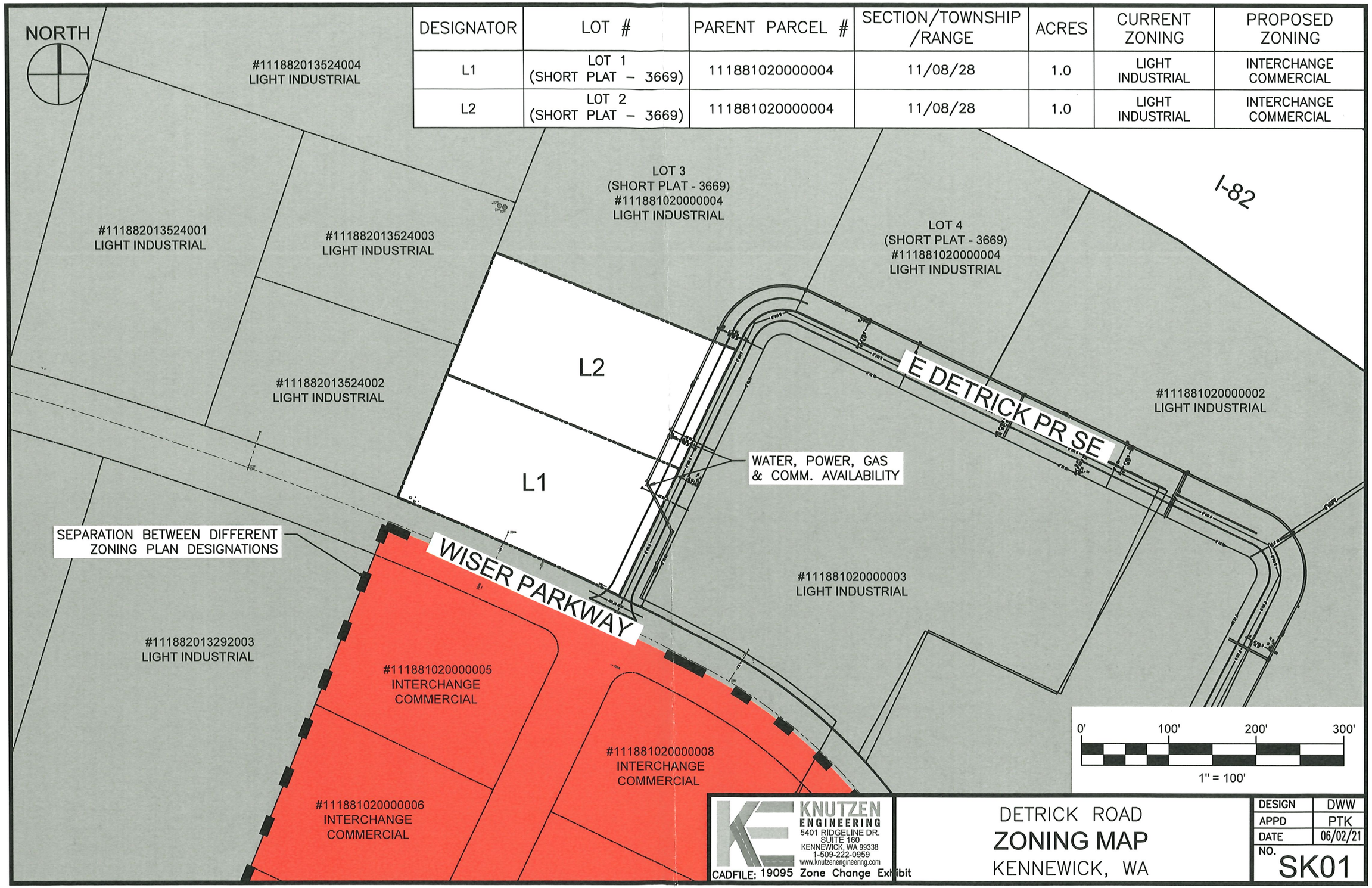
Application Complete: *Y* *N*

Critical Areas: *N* *Y:* _____ *Zoning:* _____

Reviewed by: _____ *Date:* _____

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.

DESIGNATOR	LOT #	PARENT PARCEL #	SECTION/TOWNSHIP /RANGE	ACRES	CURRENT ZONING	PROPOSED ZONING
L1	LOT 1 (SHORT PLAT – 3669)	111881020000004	11/08/28	1.0	LIGHT INDUSTRIAL	INTERCHANGE COMMERCIAL
L2	LOT 2 (SHORT PLAT – 3669)	111881020000004	11/08/28	1.0	LIGHT INDUSTRIAL	INTERCHANGE COMMERCIAL



KNUTZEN ENGINEERING
5401 RIDGELINE DR.
SUITE 160
KENNEWICK, WA 99338
1-509-222-0959
www.knutzenengineering.com

CADFILE: 19095 Zone Change Exhibit

DETRICK ROAD
ZONING MAP
KENNEWICK, WA

DESIGN	DWW
APPD	PTK
DATE	06/02/21
NO.	SK01

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Prosser Office: 620 Market Street, 1st Floor
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PCM 1.7

Determination of Non-Significance

Proponent: 5D Development
410 Fanning Rd.
Pasco WA 99301

File No. EA 2020-036

Project Description: Comprehensive Plan Amendment (CPA 2021-004) proposes to modify the Comprehensive Plan designation, from Rural Industrial to Rural Commercial, on two (2) parcels owned by the applicant that lie adjacent other Rural Commercial designated parcels. The amendment will revise and update *Figure 5 - 2017 Periodic Update Land Use Designations Map* in *Appendix A* of the *Benton County Comprehensive Plan* and if necessary other tables and text in the Plan that may refer to the current use or designation of the property. A rezone of the property from Light Industrial zoning designation to a Commercial zoning designation will be applied for after the Comprehensive Plan Amendment process is completed.

Project Location: The proposed amendment to the Comprehensive Plan Amendment applies to two parcels, identified as Lots 1 and 2 of Short Plat 3669. The parcels are located on the north side of E. Wiser Parkway and west of E. Detrick PR SE.

Jurisdiction: Benton County, Washington

Lead Agency: Benton County Planning Division

Threshold Determination: The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist, comments received from various agencies and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2) the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by April 14, 2021.

Administrative appeals of threshold determinations of non-significance are not allowed.

SEPA Responsible Official: Greg J. Wendt
Position/Title: Community Development Department Director
Address: P.O. Box 910, Prosser WA 99350

Date: March 31, 2021

Greg J. Wendt, Director
Community Development Dept.

DISTRIBUTION:

Applicant
Benton County Building Office
Department of Natural Resources -Ellensburg
Department of Natural Resources - Olympia
Benton Clean Air Authority
Benton County Engineer
Benton-Franklin Dist. Health Department
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 # 1
Futurewise
Department of Archaeology/Historic Preservation
Tom Price-Environmental Review Inc.
City of Kennewick
City of Richland
Kennewick Irrigation Dist.
Dept. of Commerce

Planning Department
P.O. Box 910
1002 Dudley Avenue
Prosser, WA 99350

Phone (509) 786-5612
Fax (509) 786-5629
planning.department@co.benton.wa.us
co.benton.wa.us

SEPA ENVIRONMENTAL CHECKLIST

PCM 1.8

File No. EA **2020-036**

A. BACKGROUND

1. Name of proposed project, if applicable: Detrick Road CPA & Re-zone

2. Name of applicant: 5D Development

3. Address and phone number of applicant and contact person: 410 Fanning Rd. Pasco, WA 99301
Contact: Dalton Walker (Knutzen Engineering) 509-222-0959

4. Date checklist prepared: 11/20/2020

5. Agency requesting checklist: Benton County

6. Proposed timing or schedule (including phasing, if applicable): N/A

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
None

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. A geotechnical report has been prepared related to a neighboring construction and the private road.
No other environmental information has been prepared at this time

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

10. List any government approvals or permits that will be needed for your proposal, if known. None.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
Two parcels currently designated as Rural Industrial are requesting a Comprehensive Plan Amendment to be designated Rural Commercial. This will allow more opportunities for the land owner. The two parcels total 2 acres.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. The two parcels are Lot 1 & Lot 2 of parent parcel 111881020000004 through short plat 3669. Also located on the north side of Wiser Parkway & Wiser Loop intersections and a portion of Section 11, Township 8 North, Range 28 East.

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

Flat ☑ Rolling ☑ Hilly ☐ Steep Slopes ☐ Mountainous ☐

Other _____

b. What is the steepest slope on the site (approximate percent slope)? 2%

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

Hezel loamy fine sand and Warden very fine sandy loam.

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

No

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A

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

N/A

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A

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

N/A

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. N/A

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
N/A

c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. The nearest surface water body is the Columbia River, approximately 3.25 miles away and seasonal

Amon Creek is adjacent to the site, which ultimately flows into the Columbia River.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

If yes, please describe and attach available plans. N/A

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
N/A

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
N/A

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
N/A

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe. N/A

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: N/A

4. Plants

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

____ Deciduous tree *(alder, maple, aspen, other)*
____ Evergreen tree *(fir, cedar, pine, other)*
x____ Shrubs
x____ Grass
____ Pasture
____ Crop or grain
____ Orchards, vineyards or other permanent crops
____ Wet soil plants *(cattail, buttercup, bullrush, skunk cabbage, other)*
____ Water plants *(water lily, eelgrass, milfoil, other)*
____ Other types of vegetation

b. What kind and amount of vegetation will be removed or altered? N/A

c. List threatened and endangered species known to be on or near the site.

None known per the Washington Department of Fish and Wildlife.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A

e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals

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

b. List any threatened and endangered species known to be on or near the site. The Washington Department of Fish and Wildlife marks the Ferruginous Hawk as threatened at a state status and marks the area as a breeding area.

c. Is the site part of a migration route? If so, explain. Yes, the Columbia Basin is part of a migration route for a number of fowl.

d. Proposed measures to preserve or enhance wildlife, if any: None at this time.

e. List any invasive animal species known to be on or near the site. None known.

6. Energy and Natural Resources

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

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

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

7. Environmental Health

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

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

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project

area and in the vicinity. N/A

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

N/A

4) Describe special emergency services that might be required. N/A

5) Proposed measures to reduce or control environmental health hazards, if any: N/A

b. Noise

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

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

3) Proposed measures to reduce or control noise impacts, if any: N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. The site is currently undeveloped property. Nearby property usages are commercial, a RV resort and Cottonwood elementary school.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? No.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: N/A

c. Describe any structures on the site. There are no structures on the site.

d. Will any structures be demolished? If so, what? N/A.

e. What is the current zoning classification of the site? Light Industrial

f. What is the current comprehensive plan designation of the site? Rural Industrial.

g. If applicable, what is the current shoreline master program designation of the site? N/A.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. No.

i. Approximately how many people would reside or work in the completed project? N/A

j. Approximately how many people would the completed project displace? N/A

k. Proposed measures to avoid or reduce displacement impacts, if any: N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: N/A

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: N/A.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing. N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing. N/A

c. Proposed measures to reduce or control housing impacts, if any: N/A.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A

b. What views in the immediate vicinity would be altered or obstructed? N/A

c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal? N/A

d. Proposed measures to reduce or control light and glare impacts, if any: N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

b. Would the proposed project displace any existing recreational uses? If so, describe. N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

No.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. No.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Internet search for project site. Washington State Department of Archeology and Historic Preservation, National Register of Historic Places in Benton County.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A

N/A

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. The site is served by E Detrick PR SE off Wiser Parkway.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? The nearest Ben Franklin Bus Stop is located approximately 2.25 miles away at the intersection of Columbia Center Boulevard and W 7th Ave. Stop ID KE332

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A

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

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A

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

commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? N/A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. N/A

h. Proposed measures to reduce or control transportation impacts, if any: N/A

15. Public Services

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

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

16. Utilities

a. Circle utilities currently available at the site:

electricity natural gas water refuse service telephone sanitary sewer system other

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

N/A

C. SIGNATURE

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

Signature:

Name of Signee Dalton Walker

Position and Agency/Organization Knutzen Engineering

Date Submitted: 11-19-20

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

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

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

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? It is not expected that development authorized by the proposed Comprehensive Plan Amendment and re-zone would result in any increase of discharge to water emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise.

a. Proposed measures to avoid or reduce such increases are: Development in Benton County must comply with all current land use and environmental permitting requirements.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed amendment and rezone is not expected to affect plants, animals, fish or marine life.

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

3. How would the proposal be likely to deplete energy or natural resources? The proposed amendment change and rezone is not expected to result in additional depletion of energy or natural resources.

a. Proposed measures to protect or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The proposed Comprehensive plan amendment and rezone is not expected to affect environmentally sensitive areas or areas designated for governmental protection.

a. Proposed measures to protect such resources or to avoid or reduce impacts are: None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The proposal will allow for commercial uses on the listed properties. The change from Rural Industrial to Rural Commercial will allow for continued improvements to be made to the existing businesses on the properties.

a. Proposed measures to avoid or reduce shoreline and land use impacts are: None

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

The proposal may increase demands on transportation as well as public services and utilities if further commercial development occurs.

a. Proposed measures to reduce or respond to such demand(s) are: Further development will increase tax revenue for the County to maintain the increase in demand of public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed Comprehensive Plan Amendment and rezone would not conflict with local, state or federal laws or requirements for the protection of the environment. Any future commercial development as a result of the Amendment will be licensed and permitted according to Benton County and Washington State policies and laws.

Donna Hutchinson

From: Daniel Tissell <DTissell@kid.org>
Sent: Tuesday, July 27, 2021 2:57 PM
To: Donna Hutchinson
Cc: Chris Sittman
Subject: [EXTERNAL] RE: Zone Change Request - ZC 2021-002 5D Development

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Donna,

KID has no comments regarding the matter.

Thanks,

Daniel Tissell, P.E.
Assistant Engineering Manager
Kennewick Irrigation District
2015 S. Ely Street
Kennewick, WA 99337
(509) 586-6012 ext. 116

KENNEWICK IRRIGATION DISTRICT

From: Donna Hutchinson <Donna.Hutchinson@co.benton.wa.us>
Sent: Friday, July 23, 2021 10:52 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; City of Kennewick -Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>; Fire District #1 - Billie <billie@bentonone.org>; Fire District # 1 - Scott <scott@bentonone.org>; School District # 17-Ryan Jones <Ryan.Jones@ksd.org>; Ben Woodard <BWoodard@kid.org>; Seth Defoe <SDefoe@kid.org>; Development <development@kid.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>
Subject: Zone Change Request - ZC 2021-002 5D Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached for your review and comment is a Zoning Reclassification application which is being submitted to you for review and any response that you may have concerning it. This petition will be heard at a hearing before the Benton County Planning Commission at a later date. If you have any questions, please feel free to call this office.

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

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

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

Donna Hutchinson

From: Cristina Woods
Sent: Friday, July 30, 2021 9:20 AM
To: Donna Hutchinson
Subject: RE: Zone Change Request - ZC 2021-002 5D Development

Good morning

Public Works has no comments

Thank you

Cristina Woods

From: Donna Hutchinson <Donna.Hutchinson@co.benton.wa.us>
Sent: Friday, July 23, 2021 10:52 AM
To: Cristina Woods <Cristina.Woods@co.benton.wa.us>; City of Kennewick -Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>; Fire District #1 - Billie <billie@bentonone.org>; Fire District # 1 - Scott <scott@bentonone.org>; School District # 17-Ryan Jones <Ryan.Jones@ksd.org>; Kennewick Irrigation District - Ben Woodard <bwoodard@kid.org>; Kennewick Irrigation District - Seth Defoe <sdefoe@kid.org>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Clark Posey <Clark.Posey@co.benton.wa.us>; Rebecca Warrington <rebeccaw@bfhd.wa.gov>; Benton Franklin Health District - JoDee Peyton <Jodeer@bfhd.wa.gov>; Benton Franklin Health District - Rick Dawson <rickd@bfhd.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>
Subject: Zone Change Request - ZC 2021-002 5D Development

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Donna Hutchinson
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Washington State Department of Transportation

South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 10, 2020

PCM 1.11

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

Attention: Greg Wendt, Assistant, Planning Manager

Subject: EA2020-018, Detrick Industrial Short Plat
I-82 Exit 109 Badger Road vicinity

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

- The subject property is adjacent to Interstate 82 (I-82), a fully controlled limited access facility with a posted speed limit of 70 miles per hour. WSDOT has acquired all access rights to the highway. Direct access to I-82 is prohibited.
- We are not opposed to this development; however, we are concerned with the cumulative impact development is having on the interchange. We recommend the County require the proponent to contribute towards the planned interchange improvements in proportion to their impact.
- To preserve the safety and security of I-82, the proponent is required to construct a minimum six-foot tall fence (no gates) on their property. The existing right-of-way fence typically lies one-foot inside our right-of-way boundary and must not be altered or moved without prior WSDOT authorization.
- Stormwater and surface runoff generated by this project must be retained and treated on site.
- Any proposed lighting must be directed down towards the site and away from I-82.
- Any outdoor advertising or motorist signing considered for this project will need to comply with state criteria. Please contact Trevor McCain of the WSDOT Headquarters Traffic office for specifics. He can be reached at (306) 705-7282.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact Jacob Prilucik at (509) 577-1635.

Sincerely,

Paul Gonseth, P.E.
Planning Engineer

PG: jjp/mnk

cc: SR 82, File #4
Kara Shute, Area 3 Maintenance Superintendent

Donna Hutchinson

From: Clark Posey
Sent: Thursday, April 1, 2021 2:11 PM
To: Planning Department
Subject: RE: EA 2020-036 Agency Review

Fire Marshal Comments for: EA 2020-036 and CPA 2021-004

Comprehensive Plan Amendment (CPA 2021-004)

No specific requirements at this time, however additional Benton County Fire Marshal Codes for Fire Protection may be added at time of building construction.

Thank you,

Clark

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, March 31, 2021 10:56 AM
To: john.lyle@bentoncleanair.org; Benton Clean Air-Priddy <robin.priddy@bentoncleanair.org>; Benton Clean Air-Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air-Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton-Franklin Dist. Health Dept. <rickd@bfhd.wa.gov>; City of Kennewick - Fernando Garcia <Fernando.Garcia@ci.kennewick.wa.us>; City of West Richland-Eric Mendenhall (emendenhall@westrichland.org) <emendenhall@westrichland.org>; City of Richland-Mike Stevens (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; City of Richland-Kerwin Jensen (kjensen@ci.richland.wa.us) <kjensen@ci.richland.wa.us>; sydney.hanson@dahp.wa.gov; Dept. of Archaeology and Historic Preservation - SEPA Review (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept. of Ecology - Lori White (lori.white@ecy.wa.gov) <lori.white@ecy.wa.gov>; Dept. of Ecology <SEPAUNIT@ecy.wa.gov>; Dept. of Ecology <crosepacoordinator@ecy.wa.gov>; Dept. of Ecology SEPA Register <separegister@ecy.wa.gov>; Dept. of Fish and Wildlife-Mark Teske <Mark.Teske@dfw.wa.gov>; Dept. of Fish and Wildlife, Eric Bartrand <bartrelb@dfw.wa.gov>; Dept. of Fish and Wildlife, Michael W. Ritter <rittemwr@dfw.wa.gov>; Dept. of Fish and Wildlife-SEPA Review (SEPADesk@dfw.wa.gov) <SEPADesk@dfw.wa.gov>; Dept. of Natural Resources (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Dept. of Natural Resources <dnrmisepacenter@dnr.wa.gov>; Dept. of Natural Resources-Shafer (ana.shafer@dnr.wa.gov) <ana.shafer@dnr.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>; Dept. of Transportation- Paul G <Gonsetp@wsdot.wa.gov>; Fire District #1-Billie <billie@bentonone.org>; Fire District #1-Staff <staff@bentonone.org>; Alison@futurewise.org; Futurewise <tim@futurewise.org>; Kennewick Irrigation District-Development (development@kid.org) <development@kid.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Tom Price-Environmental Review Inc. (envreview@gmail.com) <envreview@gmail.com>; WA Dept of Health - Kelly Cooper - WA Dept of Health - Kelly Cooper (SEPA.reviewteam@doh.wa.gov) <SEPA.reviewteam@doh.wa.gov>; William Simpson, Dept. of Commerce (William.simpson@commerce.wa.gov) <William.simpson@commerce.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington

<Rod.Worthington@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bureau of Reclamation - C. Garner (cgarner@usbr.gov) <cgarner@usbr.gov>; Bureau of Reclamation - L Hendrix - Bureau of Reclamation (lhendrix@usbr.gov) <lhendrix@usbr.gov>; Bureau of Reclamation -McKinley (cmckinley@usbr.gov) <cmckinley@usbr.gov>
Subject: EA 2020-036 Agency Review

The Benton County Planning Department has prepared the attached DNS in accordance with the State Environmental Policy Act regulation. This DNS is being circulated for review by all agencies with jurisdiction. We are circulating it for comments on the **environmental impacts** of this action. We appreciate your review of the proposal and return of comments no later than **April 14, 2021**. This proposal will not be acted upon before that time. Please send your comment via email to planning.department@co.benton.wa.us

Donna Hutchinson
Office Assistant IV
Community Development
Dept. - Planning Division
P.O. Box 910
Prosser, WA 99350
509-786-5612

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Kennewick: The County has opened a new Public Services Office at 102206 E Wiser Parkway, Kennewick, which houses the Planning, Building and Road Departments.

Donna Hutchinson

From: Cristina Woods
Sent: Monday, April 12, 2021 4:51 PM
To: Planning Department
Subject: RE: EA 2020-036 Agency Review

Good afternoon

PW has no comments

Thank you

Cristina Woods, MS • *Engineering Tech III*
Benton County Public Works
102206 Wiser Parkway , WA, 99338
cristina.woods@co.benton.wa.us
(509) 786-5611

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Wednesday, March 31, 2021 10:56 AM
To: john.lyle@bentoncleanair.org; Benton Clean Air-Priddy <robin.priddy@bentoncleanair.org>; Benton Clean Air-Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air-Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton-Franklin Dist. Health Dept. <rickd@bfhd.wa.gov>; City of Kennewick - Fernando Garcia <Fernando.Garcia@ci.kennewick.wa.us>; City of West Richland-Eric Mendenhall (emendenhall@westrichland.org) <emendenhall@westrichland.org>; City of Richland-Mike Stevens (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; City of Richland-Kerwin Jensen (kjensen@ci.richland.wa.us) <kjensen@ci.richland.wa.us>; sydney.hanson@dahp.wa.gov; Dept. of Archaeology and Historic Preservation - SEPA Review (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept. of Ecology - Lori White (lori.white@ecy.wa.gov) <lori.white@ecy.wa.gov>; Dept. of Ecology <SEPAUNIT@ecy.wa.gov>; Dept. of Ecology <crosepacoordinator@ecy.wa.gov>; Dept. of Ecology SEPA Register <separegister@ecy.wa.gov>; Dept. of Fish and Wildlife-Mark Teske <Mark.Teske@dfw.wa.gov>; Dept. of Fish and Wildlife, Eric Bartrand <bartrelb@dfw.wa.gov>; Dept. of Fish and Wildlife, Michael W. Ritter <rittemwr@dfw.wa.gov>; Dept. of Fish and Wildlife-SEPA Review (SEPADesk@dfw.wa.gov) <SEPADesk@dfw.wa.gov>; Dept. of Natural Resources (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Dept. of Natural Resources <dnrmisepacenter@dnr.wa.gov>; Dept. of Natural Resources-Shafer (ana.shafer@dnr.wa.gov) <ana.shafer@dnr.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>; Dept. of Transportation- Paul G <Gonsetp@wsdot.wa.gov>; Fire District #1-Billie <billie@bentonone.org>; Fire District #1-Staff <staff@bentonone.org>; Alison@futurewise.org; Futurewise <tim@futurewise.org>; Kennewick Irrigation District-Development (development@kid.org) <development@kid.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Tom Price-Environmental Review Inc. (envreview@gmail.com) <envreview@gmail.com>; WA Dept of Health - Kelly Cooper - WA Dept of Health - Kelly Cooper (SEPA.reviewteam@doh.wa.gov) <SEPA.reviewteam@doh.wa.gov>; William Simpson, Dept. of Commerce (William.simpson@commerce.wa.gov) <William.simpson@commerce.wa.gov>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bureau of Reclamation - C. Garner

(cgarner@usbr.gov) <cgarner@usbr.gov>; Bureau of Reclamation - L Hendrix - Bureau of Reclamation (lhendrix@usbr.gov) <lhendrix@usbr.gov>; Bureau of Reclamation -McKinley (cmckinley@usbr.gov) <cmckinley@usbr.gov>
Subject: EA 2020-036 Agency Review

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Donna Hutchinson
Office Assistant IV
Community Development
Dept. - Planning Division
P.O. Box 910
Prosser, WA 99350
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2015 South Ely Street
Kennewick, WA 99337
Phone 509-586-9111
FAX 509-586-7663
www.kid.org

April 14, 2021

Donna Hutchinson
Benton County Planning Department
P.O. Box 910
Prosser, WA 99350

PCM 1.14

Subject: EA2020-036 – 5D Development

Dear Ms. Hutchinson:

The Kennewick Irrigation District has received your Notice of Application and SEPA submitted by 5D Development to modify the Comprehensive Plan designation from Rural Industrial to Rural Commercial on two parcels owned by the applicant that are adjacent to other Rural Commercial designated properties. This project is generally located at the intersection of Wiser Pkwy and Wiser Loop in Kennewick, WA. The two parcels are lots 1 and 2 of Short Plat 3669.

1. These parcels are within the Kennewick Irrigation District (KID) boundaries but are not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all KID infrastructure.
    a. Section 3.a.1 of the SEPA DNS sheet names Amon Creek as a body of water near the site. Amon Creek, also known as the East Badger Drain, is a drainage feature of the Kennewick Division of the United States Bureau of Reclamation Yakima Project. The waterway is used by the Kennewick Irrigation District as a drainage to move seepage and return flows from canals and irrigated lands in Badger Coulee down through the Amon Wasteway and into the Yakima River.

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

Sincerely,

Blaine Broberg

Blaine Broberg, EIT
Staff Engineer

C: LB/correspondence/File: [11-08-28]