

COMMISSIONERS RECORD 48
FRANKLIN COUNTY
Commissioners' Proceeding for January 10, 2007

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Bob Koch, Chairman; and Neva J. Corkrum, Chair Pro Tem; and Mary Withers, Clerk to the Board. Rick Miller, Member, was absent to attend the Ringold Work Group Migrant Farmworker Housing meeting. Fred Bowen, County Administrator, was absent on personal business.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Consent Agenda

Motion – Mrs. Corkrum: I move for approval of the consent agenda as follows:

1. Approval of *Voluntary Transfer of Annual Leave Request* as per Resolution 2001-246 for Cerise Peck (Clerk's Office) as follows:
 - Patricia Severns (Prosecutor's Office) to transfer 7.5 hours.
 - Gail Johnston (Prosecutor's Office) to transfer 37.5 hours. (Exhibit 1)
2. Approval of **Resolution 2007-014** for an inter budget transfer in the amount of \$3,000 from the 2006 Current Expense Sheriff's – Detention/Correction Budget, Number 001-000-540, line item 523.20.41.0001 (Professional Services – Medical Fees), to Corrections Food Service Budget, Number 001-000-550, line item 523.91.48.0000 (Repairs & Maint).
3. Approval of **joint Resolution 2007-015** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the amended Personal Service Agreement for legal representation of indigent individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center and Anastasia McKinley, thus, amending Benton County Resolution 02-003 and Franklin County Resolution 2002-046, extending the termination date to January 31, 2007. (Exhibit 2: Information sheet.)
4. Approval of **joint Resolution 2007-016** for the 2007-2009 Collective Bargaining Agreement between Benton-Franklin Counties Juvenile Department and AFSCME, Council 2, Local 3892, representing Juvenile clerical employees.

Second by Mr. Koch. 2:0 vote in favor.

VOUCHERS/WARRANTS

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Motion – Mrs. Corkrum: I move for approval of payment of the following **2006** vouchers/warrants: Current Expense warrants 54740 through 54741 for \$495.75; Election Revolving warrant 373 for \$5.32; Franklin County Enhanced 911 warrants 1231 through 1232 for \$10,147.21; Current Expense warrants 54691 through 54739 for \$94,855.51; Current Expense warrants 54746 through 54873 for \$13,498.54; and Current Expense warrants 54874 through 54888 for \$14,091.75; for a total of \$133,094.08.

Second by Mr. Koch. 2:0 vote in favor. (Exhibit 3)

Motion – Mrs. Corkrum: I move for approval of payment of the following **2007** vouchers/warrants: Current Expense warrants 54742 through 54745 for \$915.18; and Election Revolving warrants 374 through 375 for \$774.21; for a total of \$1,689.39.

Second by Mr. Koch. 2:0 vote in favor. (Exhibit 4)

Motion – Mrs. Corkrum: I move we approve the Salary Clearing payroll vouchers for the amount of \$459,309.92: warrants 42091 through 42192 for \$155,772.96; warrants 42193 through 42198 for \$59,200.96; and Direct Deposit for \$244,336.00.

Second by Mr. Koch. 2:0 vote in favor.

The cover sheet also includes the following amounts:

Emergency Management payroll warrants 8471 through 8477 for \$2510.44; warrants 8478 through 8482 for \$1073.11; and Direct Deposit for \$6185.31; for a total of \$9768.86; and

Irrigation payroll warrants 12269 through 12282 for \$7137.54; and warrants 12283 through 12286 for \$1029.49; for a total of \$8167.03. (Exhibit 5)

PLANNING AND DEVELOPMENT DEPARTMENT

Planning Director Jerrod MacPherson and Assessor Steve Marks met with the Board.

Public Hearing: Open Space – Open Space Program and Public Benefit Rating System

Public Hearing convened at 9:16 a.m. Present: Commissioners Koch and Corkrum; Planning Director Jerrod MacPherson; Assessor Steve Marks; and Clerk to the Board Mary Withers. Present in audience: Wilma Robison.

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Mr. MacPherson said we hope to keep this informal, recapping some of the previous workshops we've had with the Board. Assistant Planning Director Greg Wendt is attending the Ringold Workgroup meeting. Mr. MacPherson gave the Board the Action Summary (Exhibit 6).

Mr. Marks said the current use program which is sometimes referred to as the Open Space Program was put into law in Washington in the 1970s as a way of reducing the value on ground to provide a tax break (benefit) to people who are farming. At the time it was for ground in high growth areas and they wanted to maintain ground for agricultural practices. Three aspects or tiers were set up: Open Space – Open Space (conservation); Open space (Farm and Ag); and Open space – Timber Land. The tier we're dealing with today is the Open Space – Open Space program. Currently all property in our county in the open space program is in the Open Space (Farm and Ag) program. The third tier is timber. There is no timber in Franklin County.

Mrs. Corkrum asked if her understanding is correct that we're not changing anything in farm and ag land. Mr. Marks said no, it is not changing. It stays the same. That is by statute only. The Assessor's office administers the Open Space (Farm and Ag) program.

The Open Space – Open S program we're dealing with today is administered by the Assessor and Planning offices, with final approval by the Commissioners.

Mr. Marks reviewed some information regarding current acres in use and current land values. The Open Space program deals only with the value of the land, not improvements. It will go through a Planning Commission review process. The Planning Commission will make recommendations to the Board. Mr. MacPherson briefly described the application process.

Mr. Marks said the Open Space Land – Public Benefit Rating System (PBRs) is authorized by RCW 84.34.055. Farm and Ag Conservation Land (RCW 84.34.020(8)(a) and (b) is the reason why this is coming before us. The program relates to ground that has been deemed to have a high likelihood of returning to production or being farmed that may not be currently farmed for whatever reason.

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Mr. Marks gave an example of a situation that may occur that would allow use of this program. The example was if a couple owns a farm, then one dies and the other is unable to continue farming or have the farm be farmed but expects the land to be farmed again some day.

Mr. Marks said the law allows us to set a time limit if we desire. Mr. Marks said following research, we set it that within 10 years the land should return to farm land.

Mr. MacPherson said the application process is similar to other planning matters except it wouldn't be a monthly issue but twice a year as set by the ordinance.

Mrs. Corkrum said it looks like it is a three-year process. Mr. Marks said yes, it can be. Mrs. Corkrum asked is three years the criteria for land to be out of production before you kick in the program? Mr. Marks said the law currently states three out of five years.

Mr. MacPherson said the review period is really a one-year period, not a three-year period. Mr. Marks said it is essentially the same as the current program. It is a three-year process, the same throughout the whole statute. The procedure includes: During the application year, the application must be filed by December 31. The assessment year follows the application year. Determination will be made by May 1. The following year will be the first tax relief year.

Mr. MacPherson said there are two changes since the last workshop session. This is a public benefit rating system. It needs to be sold to the county to decide what is the public benefit? What is the public going to get? At previous workshops, public access has been key. It has always been required. However, maybe not all situations would warrant public access. If you have archaeological sites, you do not want the public having access. If you have sensitive areas with critical wetlands and habitat, you don't want the public having access. There are some situations that we could back off on public access and still allow the tax break. Mr. MacPherson showed the Board page 16 of the proposed ordinance, bullet point B. The ordinance will specify that "the feasibility of the public access requirement will be reviewed during each application process. The public access requirement may be waived for all or portions of the property."

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Mr. MacPherson said we need to be able to review on a parcel-by-parcel basis instead of making a blanket statement that access would be allowed.

The Assessed Valuation Schedule on page 10 of the proposed ordinance was also changed from 50% to 75% reduction in market value. Mr. Marks said there is a cost to an individual to go through the process, so there ought to be more of a reduction for the minimum number of points as well as the maximum. The other values on the schedule were also changed on a sliding scale.

Mr. MacPherson said there are lots of wetlands in the north end of the county. If they are not high class land, they would have to allow the public to have access.

Mrs. Corkrum said the biggest benefit is if a farm goes out of production for awhile because of family circumstances. Before, there was no tool to help in those situations.

Mr. Marks said people will probably not use this program in the irrigated farmland but he expects to see some use in the dryland area and perhaps rangeland areas.

Mr. MacPherson expressed appreciation to Steve Marks and Greg Wendt for the hard work they have done on this project.

Mr. Koch asked three times if anyone is opposed to the Open Space – Open Space. There was no response.

Mr. Koch asked three times if anyone would like to speak in favor. There was no response.

Mr. Koch asked if Ms. Robison would like to comment. Wilma Robison expressed appreciation for the work done on the proposal and the help she has received from staff in county offices to answer her questions.

Motion – Mrs. Corkrum: I move that we grant approval to the Open Space – Open Space Program and Public Benefit Rating System, Ordinance 1-2007. Second by Mr. Koch. 2:0 vote in favor. (Exhibit 7)

Mr. Marks and Ms. Wilma Robison left the room.

Final Approval Subdivision SUB 2005-01, Janice Place, applicant Larry Questad

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Motion – Mrs. Corkrum: I move for final approval of Subdivision 2005-01 for Larry Questad, Resolution #2007-017. Second by Mr. Koch. 2:0 vote in favor.

Building Department Update

Darrel Farnsworth and Sheriff Lathim joined the audience.

The December 2006 (year-end) Building Report was reviewed. In 2006 the Planning Department took in \$225,563. We anticipated \$235,300. We're \$9000 short of what was estimated. The Board members said they were pleased with the revenue and not concerned about the \$9000 less than anticipated. There was general discussion about the building occurring in the county.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Also present: Darrel Farnsworth, Sheriff Richard Lathim and Undersheriff Kevin Carle.

Vouchers

Motion – Mrs. Corkrum: I move we approve Public Works Payroll for \$63,664.49 and Public Works Equipment Rental for \$10,604.55. Second by Mr. Koch. 2:0 vote in favor.

Sheriff's Vehicles

Vehicle cost quotes were reviewed (Exhibit 8). Mr. Fife said the Crown Victoria vehicles are cheapest from Russ Dean Ford with equipment installed by Day Wireless. There is not a substantial difference in cost for the Impala between McCurley Chevrolet and the state contract. Mrs. Corkrum and Mr. Koch would prefer purchasing locally from McCurley.

Mr. Koch asked about delivery time. Mr. Farnsworth said delivery of the Crown Victoria's would probably occur sometime in March. McCurley Chevrolet couldn't give us a good time frame.

Sheriff Lathim recommended purchasing locally from Russ Dean Ford and McCurley Chevrolet. Mr. Fife said if the new vehicles are not available in time, Public Works will provide a vehicle for officers to attend the Academy in Spokane in March.

Motion – Mrs. Corkrum: I move we purchase 2007 Crown Victorias from Russ Dean Ford with Day Wireless doing the installation of special equipment and purchasing the

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2007 Chevy Impala from McCurley with Day Wireless doing the installation of the special equipment.

Mr. Fife asked about financing. Mrs. Corkrum said the county has some money available to use until the contract is finalized with the state. We still want to pursue state funding. If the cars come in and we have to pay for them right away, we have some money set aside. When we get the state money, we'll pay that fund back. Mr. Fife said we'll set up for all four to be paid for in July so there is one payment instead of two. The Board agreed. Sheriff Lathim said we're not positive at this time if we're using new computers or used ones so that would be best. We won't be borrowing more money than we need.

Second by Mr. Koch. 2:0 vote in favor.

Mr. Farnsworth said the four cars are just the additional cars for the Port contract. Additional information for purchasing more Sheriff's cars will be brought forth later. Mrs. Corkrum said the money we're using to purchase the four cars before the loan is received is the money that was allocated for the other Sheriff's vehicles.

Mr. Farnsworth said we need to watch the production date cutoff for the Crown Victorias which will occur sometime in late February because the price goes up after that date. The delivery date would be much later on the additional cars.

R-170 Landslide Road Replacement

The Board reviewed a paper regarding the Road 170 landslide that Mr. Fife prepared. Mr. Koch will meet with legislators when he attends the National Association of Counties (NACo) conference in Washington, D.C. He hopes to also meet with people from the Bureau of Reclamation.

Credit Cards

Mr. Fife asked for clarification regarding use of county credit cards referring to Resolution 2004-474. The Board said that all credit cards including gas cards should be reported to the county auditor for inventory purposes.

Chief Civil Deputy Prosecutor Ryan Verhulp joined the audience.

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Mr. Koch said he would be against any personal purchases on any county credit cards even if you're going to pay it back.

The Board asked Mr. Verhulp to review Resolution 2004-474 to determine whether it needs to be updated.

Sheriff's Cars

The Board would like the Sheriff's Department to keep a log of mileage usage on the cars used for the Port of Pasco work and the road deputy work so real costs can be divided between the two types of work.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Executive Session at 10:26 a.m. regarding a litigation update expected to last less than 10 minutes based on RCW 42.30.110(1)(i).

Open Session at 10:32 a.m.

AUDITOR

Auditor Zona Lenhart met with the Board.

Credit Cards

Mrs. Corkrum asked Ms. Lenhart to send a notice to all departments stating that all credit cards need to be identified to her office.

Office Design

Ms. Lenhart showed the Board a tentative design for the Elections area at the Franklin County Annex. She said she is operating under the assumption that when Extension moves out, the Elections Department will get that space.

The proposal includes:

Installation of windows so the public can view the ballot opening process. Other activities will also take place in the ballot opening area. The ballot opening area can accommodate 16 tables.

There will be an entering and sorting area and a tabulating area.

The sink will be removed. A wall will be removed. An existing microwave and refrigerator will be put in the area.

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It is necessary to have drinking water available.

The area needs to be totally secure from public access except visual access.

Ms. Lenhart showed where L-shaped furniture is proposed to be placed. There are six computers that need to be placed in another section in a secure area.

Ms. Lenhart said the tentative plan gives us the required ballot security and she feels it gives egress for fire code.

Mr. Koch asked about funding. Ms. Lenhart said we received a \$125,000 grant. Mr. Koch asked where is the funding going to now? What are the immediate plans? Ms. Lenhart said we're going to save the money to do some of the alterations. Right now we're going to take this out (indicated), take this wall out (indicated), and put in a window. Mr. Koch asked isn't part of this money to secure this area better? Ms. Lenhart said that's what we're going to do. She said we're going to demolish one wall, replace a door with a double door, take out the door that enters the building on 3rd Street, and move a door to replace a door. Mr. Koch said he thinks an additional door needs to be provided to meet fire codes. Ms. Lenhart will look into it. The different doors were reviewed. Mr. Koch is concerned about having a door that anyone can kick in.

Ms. Lenhart will give the plan to County Administrator Fred Bowen and Facilities Director Chris Giles. She emphasized it is a tentative plan.

Help America Vote Act (HAVA) grant

Ms. Lenhart thanked the Board for approving travel to Georgia. She will apply for grant funding to reimburse the costs.

A different HAVA grant was approved that will allow some employees to attend training in Chicago. The cost of the travel will be paid from the Elections Revolving fund, then reimbursed when the grant funds are received.

Commissioner District Boundaries

Ms. Lenhart hopes to have the new Commissioner District boundaries in place by the end of April. She wants them set 30 days before the filing period, which will be the second week of June. She described the basis that she plans to use. The population of Franklin County is probably 65,000 to 68,000 with 21,000 registered voters. She will use

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a methodology that a third of people are registered. Her objective is to keep all of the Commissioners in the districts they currently represent and use the basis of the registered voter numbers representing a third of our population. She said we'll try to give all of you a growth area, a developing area.

Recessed at 11:03 a.m.

Reconvened at 11:07 a.m.

HUMAN RESOURCES

Human Resources Director Rosie H. Rumsey met with the Board.

Human Services

Ms. Rumsey reviewed the proposed contract with the Human Services Director with the Board. The Board asked her to proceed with the contract.

Adjourned at 11:12 a.m.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until January 17, 2007.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Chairman

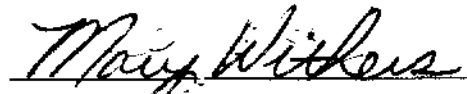


Chairman Pro Tem

ABSENT

Member

Attest:



Clerk to the Board

Approved and signed January 17, 2007.

VOLUNTARY TRANSFER OF ANNUAL LEAVE REQUEST FORM

Dear Board of County Commissioners:

As per Resolution 2001-246 dated June 11, 2001

I am requesting a portion of my annual leave be transferred as detailed below:

Transferee: Cerise Peck

Department: S/C Clerk

Amount of Hours: 7.5

Patricia E Severns
Printed Name of Transferor

[Signature]
Signature of Transferor

12/7/06
Date Signed

Department: PA

I attest that all accrued paid leave (annual, sick leave, compensatory, etc...) for
Cerise Peck has been exhausted.

Name of Transferee

[Signature]
Elected Official / Department Head

Date Approved: 1/10/2007

BOARD OF COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

[Signature]
Chairman

[Signature]
Member

ABSENT

Attest:
Mary Withers
Clerk of the Board

Member

VOLUNTARY TRANSFER OF ANNUAL LEAVE REQUEST FORM

Dear Board of County Commissioners:

As per Resolution 2001-246 dated June 11, 2001

I am requesting a portion of my annual leave be transferred as detailed below:

Transferee: Cerise Peck

Department: Superior Court Clerk's Office

Amount of Hours: 37.5

Gail L. Johnston
Printed Name of Transferor

Gail L. Johnston
Signature of Transferor

12/5/06
Date Signed

Department: FCPA

I attest that all accrued paid leave (annual, sick leave, compensatory, etc...) for
Cerise Peck has been exhausted.

Name of Transferee

[Signature]
Elected Official / Department Head

Date Approved: 1/10/2007

BOARD OF COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

[Signature]
Chairman

[Signature]
Member

Attest:

Mary Withers
Clerk of the Board

ABSENT

Member

AGENDA ITEM: Consent	TYPE OF ACTION NEEDED	CONSENT AGENDA <u>xx</u>
MEETING DATE: B/C 01-08-07 F/C 01-10-07	Executive Contract <u>xx</u>	PUBLIC HEARING
SUBJECT: Contract Amendment for Criminal Defense Panel Attorney	Pass Resolution <u>xx</u>	1ST DISCUSSION
Prepared By: Kathryn M. Phillips	Pass Ordinance	2ND DISCUSSION
Reviewed By: Sharon Paradis	Pass Motion	OTHER
	Other	

BACKGROUND INFORMATION

Attached for Board review and approval is the Personal Service Agreement Amendment between Benton County and Defense Panel Attorney, Anastasia McKinley. The Agreement is being amended to extend the Agreement until January 31, 2007 and continue the current rate of compensation until a new contract is fully approved and executed.

SUMMARY

The Benton and Franklin County Boards of Commissioners signed the original Personal Service Agreement for Legal Representation of Indigent Individuals in Benton and Franklin Counties Superior Court Juvenile Division for Anastasia McKinley on January 7, 2002 and January 16, 2002, respectively.

RECOMMENDATION

We recommend that the Boards of County Commissioners approve the Personal Service Agreement Amendment for Legal Representation of Indigent Individuals in Benton and Franklin Counties Superior Court Juvenile Division, as written.

FISCAL IMPACT

Compensation for the panel attorney is set forth in the amendment. This amount has been figured into the Juvenile Court's 2007 budget, which has been approved by both Boards of County Commissioners.

MOTION:

I move that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be and hereby are authorized to sign, on behalf of their respective county, the Personal Services Agreement Amendment with Ms. McKinley.

EXHIBIT 3
Franklin County Auditor

January 10, 2007

1016 North 4th Avenue
Pasco, WA 99301

ZONA LENHART, Auditor
509-545-3840 • Fax: (509) 545-2142
www.co.franklin.wa.us

P.O. Box 1451
Pasco, WA 99301

2006 Vouchers

January 10, 2007

Franklin County Commissioners:

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

Action: As of this date, January 10, 2007

Move that the following warrants be approved for payment:



FUND Expenditures	WARRANT		Amount Issued
	From:	To:	
Current Expense	54740	54741	\$495.75
Election Revolving	373	373	\$5.32
FC Enhanced 911	1231	1232	\$10,147.21
Current Expense	54691	54739	\$94,855.51
Current Expense	54746	54873	\$13,498.54
Current Expense	54874	54888	\$14,091.75

In the amount of 133,094.08. The motion was seconded by



And passed by a vote of 2 to 0

Accounting
545-3505

Elections
545-3538

Recording
545-3536

Licensing
545-3533

EXHIBIT 4
Franklin County Auditor

January 10, 2007

1016 North 4th Avenue
Pasco, WA 99301

ZONA LENHART, Auditor
509-545-3840 • Fax: (509) 545-2142
www.co.franklin.wa.us

P.O. Box 1451
Pasco, WA 99301

2007 Vouchers

January 10, 2007

Franklin County Commissioners:

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

Action: As of this date, January 10, 2007

Move that the following warrants be approved for payment:



FUND Expenditures	WARRANT		Amount Issued
	From:	To:	
Current Expense	54742	54745	\$915.18
Election Revolving	374	375	\$774.21

In the amount of 1689.39. The motion was seconded by



And passed by a vote of 2 to 0

Accounting
545-3505

Elections
545-3538


Recording
545-3536

Licensing
545-3533

January 12, 2007

Franklin County Commissioners:

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

Action: As of this date, 01/12/2007  move that the following warrants be approved for payment.

FUND	WARRANT	AMOUNT
Salary Clearing Payroll:		
	42091-42192	155,772.96
	42193-42198	59,200.96
	Direct Deposit	<u>244,336.00</u>
	Total	<u>\$459,309.92</u>

In the amount of \$ **459,309.92** . The motion was seconded by 

and passed by a vote of 2 to 0 .

Emergency Mgmt Payroll:

8471-8477	\$2,510.44
8478-8482	1,073.11
Direct Deposit	<u>6,185.31</u>
Total	<u>\$9,768.86</u>

Irrigation Payroll:

12269-12282	\$7,137.54
12283-12286	\$1,029.49
Direct Deposit	<u>0.00</u>
Total	<u>\$8,167.03</u>

FRANKLIN COUNTY ACTION SUMMARY

Agenda Item: Franklin County	<u>TYPE OF ACTION NEEDED</u>	Consent Agenda
Meeting Date: January 10, 2007	Execute Contract	Public Hearing X
Subject: Open Space-Open Space Program and Public Benefit Rating System Ordinance.	Pass Resolution	1st Discussion
	Pass Ordinance X	2nd Discussion
Prepared By: Greg Wendt	Pass Motion X	Other:
Reviewed By: Jerrod MacPherson	Other	

BACKGROUND INFORMATION

The Open Space Open Space Program and Public Benefit Rating System Ordinance promotes the maintenance, preservation, and continued existence of open space land in Franklin County.

The Ordinance is designed to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify. The Ordinance has been developed to be consistent with RCW 84.34.

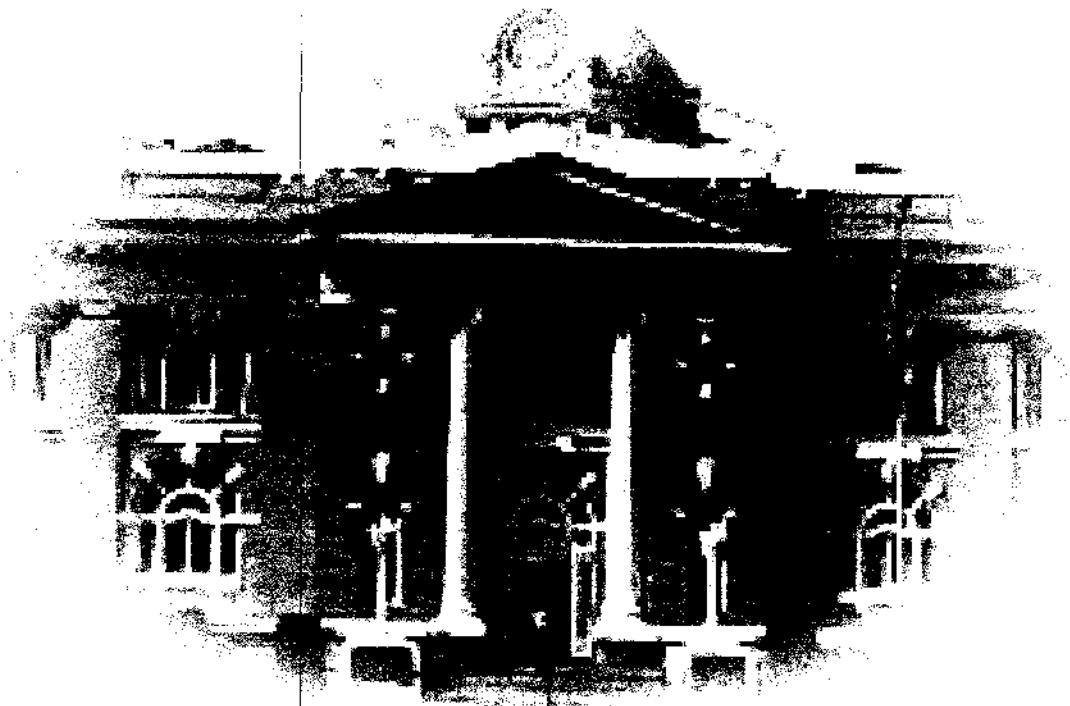
SUMMARY**Findings of Fact:**

1. This Ordinance is in compliance with the intent and spirit of adopted Franklin County Ordinances;
2. This Ordinance is consistent with the adopted Franklin County Ordinances;
3. This Ordinance is in compliance with the intent and spirit of RCW 84.34.

MOTION

Grant approval to the Open Space-Open Space Program and Public Benefit Rating System Ordinance.

**OPEN SPACE OPEN SPACE PROGRAM
AND
PUBLIC BENEFIT RATING SYSTEM**



FRANKLIN COUNTY

1016 North 4th Avenue, Pasco, WA 99301

(509) 545-3535 – FAX (509) 545-3573

ORDINANCE NUMBER 1-2007

ORDINANCE NUMBER 1-2007
FRANKLIN COUNTY, WASHINGTON
OPEN SPACE OPEN SPACE PROGRAM
AND
PUBLIC BENEFIT RATING SYSTEM

AN ORDINANCE PROMOTING THE MAINTAINANCE, PRESERVATION, AND CONTINUED EXISTENCE OF ADEQUATE OPEN SPACE LAND IN FRANKLIN COUTNY, WASHINGTON.

WHEREAS, Franklin County understands the need to maintain, preserve and otherwise continue in existence, adequate open space lands for the current or future production of food and fiber; and

WHEREAS, Franklin County wishes to assure the continued use and enjoyment of natural resources and scenic beauty for the economic welfare, social well being, and quality of life for the County and its citizens; and

WHEREAS, this Ordinance is so designed as to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify; and

WHEREAS, this Ordinance is consistent with RCW 84.34 and shall be known as the Franklin County Open Space-Open Space Program and Public Benefit Rating System Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Franklin County, Washington, that **Franklin County Ordinance Number 1-2007** read as follows:

Sections:

1. Short title
2. Purpose
3. Authority and Compliance with regulations
4. Administration
5. Scope
6. Definitions
7. Eligible lands
8. Ineligible lands
9. Application and contents

10. Multiple parcels
11. Application review process
12. Land purchased or transferred while application is pending
13. State Environmental Policy Act (SEPA)
14. Public benefit rating system
15. Priority resource categories
16. Public access
17. Improvements
18. Sign required
19. Unapproved signs
20. Hold harmless agreement
21. Open space agreement
22. Minimum participation period
23. Change in use
24. Open space land amendments
25. Notice of decision
26. Request for information
27. Continuing enrollment upon sale or transfer of ownership
28. Enforcement
29. Effective Date

Section 1 Short Title

This Ordinance shall be known and cited as the “open space open space program and public benefit rating system”.

Section 2 Purpose

The purpose of this Ordinance is to encourage the maintenance, preservation, conservation, and otherwise continue in existence adequate open space lands for the production of food and fiber and to assure the use and enjoyment of natural resource and scenic beauty for the economic and social well-being of the citizens of Franklin County. Further, the Ordinance is so designed as to permit the continued availability of open space lands through the adoption of a benefit rating system and a potential reduction in assessed value for lands that qualify

Section 3 Administration

The County Assessor and the Director of the Franklin County Planning and Building Department or designee is vested with the duty of administering, implementing, and interpreting the provisions of this Ordinance. The Planning and Building Director may prepare and/or require the use of such forms and information as deemed necessary to administer the provisions of this Ordinance.

Section 4 *Authority and Compliance with regulations*

Franklin County adopts this Ordinance under the authority of Chapter 84.34 RCW. All lands proposed for acceptance into the open space open space program shall be in full compliance with all applicable Franklin County codes.

Section 5 *Scope*

This Ordinance shall apply to all public and private lands situated within the unincorporated portions of Franklin County over which Franklin County has jurisdiction under the constitutions and laws of the State of Washington and of the United States and shall set forth minimum standards in addition to such other standards that may be applicable.

Section 6 *Definitions*

Those definitions set forth in RCW 84.34.020 and WAC 458-30-200, as adopted and hereafter amended, are hereby incorporated by reference and shall govern and control the application and interpretation of this Ordinance. In the case of reference to a specific Franklin County Code regulation, the definitions within the referenced regulation (for example, the shoreline master program) shall prevail. The following definitions also apply:

- A. “Assessor” means the Franklin County Assessor.
- B. “Board” means the Franklin County Board of County Commissioners.
- C. “Commission” means the Franklin County Planning Commission.
- D. “Department” means the Franklin County Planning and Building Department.
- E. “Planning Director” means the Director of the Franklin County Planning and Building Department.
- F. “Program” means the Open Space-Open Space Program and Public Benefit Rating System (this Ordinance).

Section 7 *Eligible lands*

All lands within the unincorporated portions of Franklin County are eligible to be reviewed for enrollment in this program, provided:

- A. The property is designated by the county comprehensive plan or any amendment to it; and
- B. The property proposed for enrollment is no less than 5 acres and contains at least one priority resource as described in Section 15; and
- C. The property meets the minimum enrollment requirements of the public benefit rating system found in Section 14; and
- D. All fees, assessments, and taxes are paid in full; and
- E. The property shall be in full compliance with all provisions of this Ordinance, all applicable Franklin County codes, and RCW 84.34.

Section 8 *Ineligible lands*

The following lands, or portions thereof, are not eligible for enrollment under this Ordinance:

- A. Parcel(s) which do not contain a listed resource in Section 15;
- B. Parcels which do not have or do not provide for public access (with limited exceptions, see Section 16);
- C. Designated open space areas or buffers required as part of an approval for zoning, land use or subdivision requirements;
- D. Lands or portions thereof which require a membership or rental for such use, including but not limited to golf courses, country clubs, campgrounds, RV parks, etc.

Section 9 *Application and contents*

Applications for enrollment under this Ordinance, together with the specified fee, shall be filed with the Department. The accuracy and completeness of the application shall be the responsibility of the applicant. The application shall, at a minimum, contain the following:

- A. Application fee (non-refundable) of \$380.00;
- B. Completed and signed Franklin County Planning Division Land Development Application;
- C. Completed and signed Washington State Department of Revenue application, if required;
- D. The name, address, and phone number of the landowner/taxpayer, or authorized representative (proof of authorization may be required);

- E. The signature of the landowner/taxpayer, or authorized representative (proof of authorization may be required);
- F. Site plan of the property;
- G. Vicinity map with north arrow denoting the general area of the lands showing the location of the property involved, with directions to the property;
- H. The total number of acres considered for enrollment;
- I. A copy of a recorded deed describing the property and identifying the owner;
- J. A narrative statement describing the resources present, with verification as required by Section 14 A (2);
- K. A detailed narrative description of the method and proposed rules of public access, and the location of any gates, fences, or other access obstructions;
- L. A certification of payment of property taxes will be required from the county treasurer prior to recording of the open space agreement. The certification must indicate that all taxes, assessments, fees, fines, penalties, and/or judgments, outstanding against a parcel of land have been satisfied.

Section 10 *Multiple parcels*

Multiple adjacent parcels shall be evaluated as separate individual parcels, each parcel requiring an individual application. Multiple parcels may be consolidated through an official lot consolidation process and reviewed as a single parcel under a single application.

Section 11 *Application review process*

The following time line shall be used for the processing of all applications for enrollment:

- A. The processing schedule that follows intends to (1) provide that applications will be approved or denied within six (6) months following the date the application is deemed complete; and (2) allow sufficient time for County staff to evaluate the applications.
- B. Applications will be accepted during either of two (2) submittal periods as follows:
 - 1. Applications received during the period January 1st through April 30th shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.

2. Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.

Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application.

- C. An application shall be effective for six (6) months. The continuance of an application beyond six months shall constitute a new application and new application fees apply. The planning director may waive the application fee or extend the application six months if the planning director determines that administrative review is responsible for the application delay or circumstances arise that necessitate an extension (for example, a state representative or consultant is delayed in verifying a resource or plan).

D. Public Hearing:

1. Set the date and time for a public hearing before the commission;
2. At least 5 days prior to the public hearing, the department shall transmit a written report, findings of fact, public benefit rating, and recommendation to the planning commission.
3. Circulate notice of the application and public hearing to all property owners within 1 mile of the exterior boundaries of the property considered for enrollment. Notice of the hearing shall have been given by publishing a summary of the open space applications in a newspaper of general circulation in the area at least ten (10) days prior to the open record hearing before the Commission. Notification shall also be forwarded to each applicant.
4. Circulate notice of the application and public hearing to county, state, and federal agencies with expertise or interest, for a 30-day comment and review period;
5. The Planning Commission shall act upon applications after a public hearing.

- E. In determining whether an application for open space land classification or reclassification should be approved, the Planning Commission and the Board of Commissioners may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider at a minimum the following:

1. The resulting revenue loss or tax shift;
2. Whether granting the application will:

- a. Conserve or enhance natural, cultural, or scenic resources;
 - b. Protect streams, stream corridors, wetlands, natural shorelines, floodways and aquifers;
 - c. Protect geologically hazardous, landslide, or seismic areas;
 - d. Protect soil resources and unique or critical wildlife and native plant habitat;
 - e. Promote conservation principles by example or by offering educational opportunities;
 - f. Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open space;
 - g. Preserve historic and archaeological sites;
 - h. Preserve visual quality along highway, road, and street corridors or scenic vistas;
 - i. Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and
- F. Following the public hearing the Planning Commission shall make a recommendation on each application to the Board of Commissioners. Such recommendations shall be forwarded to the Board following a ten (10) day appeal period.
- G. An appeal of the Planning Commissions recommendation may occur in accordance with one of the following methods:
- 1. Applicant. Within ten (10) calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planning and Building Director stating the basis of the appeal;
 - 2. Other person. Within ten (10) calendar days from the date of the Planning Commission recommendation, any person may file a written appeal with the Planning and Building Director stating the basis of the appeal;
- H. A proper and timely appeal shall cause the Board of County Commissioners to schedule a closed record appeal hearing to consider the appeal of the Planning Commission's recommendation. A closed record public hearing will occur with no new testimony or information allowed to be presented to the Board of Commissioners. Only appeal argument, based upon the Planning Commission's meeting record, will be allowed. The Board of Commissioners may ask questions of persons in attendance based upon the Planning Commissions record.

- I. An appeal fee (non-refundable) of 100.00 is required at the time of filing an appeal.
- J. Upon receipt of the Planning Commission's recommendation, the Board shall schedule a date for decision on the application. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendations. During a review of the application(s), if the Board deems that additional review of the Planning Commissioners recommendation is necessary, the Board of County Commissioners shall schedule and conduct a closed record public hearing, in accordance with Section 11 (H). The Board shall approve or deny the application after reviewing comments taken at the Planning Commission public hearing or at the end of a closed record hearing.
- K. If the Board of Commissioners approves the application, an open space land agreement between the County and the landowner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of open space land furthers the purposes of the Open Space Act, Chapter 84.34 RCW. If the Board of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Franklin County Superior Court, as specified by WAC 458.30.250(4)(b).

Section 12 *Land purchased or transferred while application is pending*

In the event a parcel is conveyed while approval of a timely application is pending, the purchaser or transferee shall, upon written request to the department, be given the same consideration as the original applicant. The purchaser or transferee shall assume the original applicant's rights and responsibilities in the application process. The purchaser or transferee shall be required to satisfy all requirements that otherwise would have been required.

Section 13 *State Environmental Policy Act (SEPA)*

Applications for enrollment into the open space program (Chapter 84.34 RCW) are categorically exempt from review under the State Environmental Policy Act (WAC 197-11-800(6)(c)).

Section 14 *Public benefit rating system*

The intent of the public benefit rating system is to evaluate the retention of "resources and public access" that may be contained on parcels of land in Franklin County. Several categories of resources are identified for scoring in this system. A maximum of 75 percent reduction in assessed value for all or a portion of a parcel may result from enrollment in this program. The parcel, or portion thereof, is assigned a rating in the system and given a percentage of reduction in assessed value for that portion of land that qualifies. The rating and percentage of reduction is dependent upon the type of resource(s) found on the parcel. Points may be accrued up to a maximum of 15. Eligibility is based on the following factors:

- A. Resources. At least three (3) points must be earned under this category to qualify for enrollment. A maximum of nine (9) points may be accrued from resources. Multiple resources may be contained within a parcel; however, a maximum of three (3) resource categories may be used on any one application. Resources are rated according to high, medium or low priority. High priority resources receive three points, medium priority resources two points, and low priority resources one point (resource priority and definition may be found in Section 15). The commission shall make a determination of applicability in deciding whether a parcel qualifies for specific resources.
1. Determination of Resource Applicability. The commission shall, in its recommendation to the board, make a determination of applicability for all resources. (For example, the commission shall determine whether a resource is adequately present to award points for that resource.)
 2. Verification of Eligible Resources is Required. The presence or occurrence of an eligible resource on a parcel shall be field checked by a qualified agency. This may include, but not be limited to, the County Planning and Building Department, Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources – Natural Heritage Program, Washington State Department of Ecology, etc. When no resource data exists for a particular parcel, but the property owner believes that the specific resource is present, the owner may request the appropriate agency inspect the site for that resource, or provide to the county a report prepared by a qualified professional specializing in that area of expertise (i.e., botanist, wildlife manager, geologist, etc.). The county shall utilize the written report and any comments from the agency in determining whether the parcel is eligible for a specific resource.
- B. Optional Eligibility Points. Additional points may be available under this category. At least one (1) resource must be present in order to qualify for optional point classification. A maximum of six (6) points are available, one point for each enhanced resource regardless of the priority.
1. Conservation Easement. A maximum of three (3) points may be scored in this category. No points are required under this category. This value applies when a conservation or historic easement that permanently preserves the resource is in effect on the property. One to three points may be scored depending upon the number of resources on the property and the amount of preservation applied by the easement. A conservation or historic easement is a legal means by which a landowner can voluntarily set permanent limitations on the future use of land thus protecting the land's particular attributes. The easement is conveyed, through recorded documents, to a qualifying conservation organization or public agency, but the land remains in private ownership and the owner retains full control over public access. A conservation easement shall include those interests or rights authorized to be held or acquired by RCW 84.34.210 or 64.04.130. Historic easements apply to historically important land areas and to historic structures that are listed on the National Register

of Historic Places (or are located in and contribute to the historic significance of a National Register Historic District). The easement typically results in a limitation on land development or structure modification which will ensure the ongoing preservation of a historic parcel of land or a historic structure and its setting.

2. **Restoration/Enhancement.** A maximum of three (3) points may be scored in this category for restored and/or enhanced resources. No points are required under this section. At least one (1) resource must be present in order to qualify for optional point classification. One point is available for each enhanced resource regardless of the priority. Restoration and enhancement plans are required and must be completed by a qualified professional.
- C. **Assessed Valuation Schedule.** The reduction in market value of the qualifying land enrolled in this program is determined by reducing the market value of the qualifying land by a percentage, up to a maximum of 75 percent. The relationship of public benefit points to percentage of assessed value reduction is presented in the following table:

Total Eligibility Points	Percent Reduction in Market Value
3	25
4	30
5	35
6	40
7-8	45
9-10	55
11-12	65
13-15	75

Section 15 *Priority resource categories*

- A. **High Priority Resources.** High priority resources shall receive three points. Resources shall be verified pursuant to Section 14(A)(2).
1. **Archaeological Site.**
 - a. **Definition.** All known sites and locations of prehistorical or archaeological interest, including but not limited to burial sites, camp sites, rock shelters, caves and the artifacts and implements of the culture.
 - b. **Source.** Location and details of known sites are on file at Washington State Office of Archaeology and Historic Preservation.

- c. Eligibility. Eligible sites are those which are on file at the Washington State Office of Archaeology and Historic Preservation, or verified by an expert in the field as containing the same features and acceptable by the Office of Archaeology and Historic Preservation for addition to their inventory.

2. Historical Site.

- a. Definition. A building, structure or site which is of significance to the county's cultural heritage including, but not limited to, Native American and pioneer settlements, old buildings, forts, trails, landings, bridges or the sites thereof together with interpretive facilities, and which are identified in the Washington Heritage Register or the National Heritage Register.
- b. Source. No comprehensive inventory has been done by the county to date. Refer to state or national registers and inventories at the State Office of Archaeology and Historic Preservation and/or the Franklin County Historical Society.
- c. Eligibility. Eligible sites must be listed in the Washington Heritage Register or the National Heritage Register, and cannot receive points under the archaeological site category.

3. Shoreline Environment.

- a. Definition. A lake or stream shoreline and its "associated wetlands" designated by the Franklin County shorelines master program.
- b. Source. Official shoreline master program map or associated documents.
- c. Eligibility. Eligible lands are those identified either partially or wholly as shoreline environment and their associated wetlands in the Franklin County shorelines master program.

4. Special Animal Sites.

- a. Definition. Habitat for those animal species defined by Washington State Department of Fish and Wildlife (WDFW) as being either an endangered, threatened or sensitive species, or those animal species identified as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.
- b. Source. Washington State Department of Fish and Wildlife (WDFW), Franklin County Planning and Building Department's Critical Area maps.
- c. Eligibility. Eligible sites are those with a documented occurrence of an endangered, threatened or sensitive species, or those animal species identified

as Level I Habitat on the Washington State Department of Fish and Wildlife Priority Habitat Species (PHS) maps.

5. Special Plant Sites.
 - a. Definition. Those plant species listed by the Washington State Department of Natural Resources – Natural Heritage Program as being either an endangered, threatened or sensitive plant species.
 - b. Source. Location and details of known sites are on file in the WSDNR – Natural Heritage Database.
 - c. Eligibility. Eligible sites are those in the WSDNR – Natural Heritage Database. Individual sites must be verified.
6. Category I and II Wetlands.
 - a. Definition. All Category I wetlands and Category II wetlands over 2,500 square feet.
 - b. Source. National Wetlands Inventory maps, Critical Area Maps, wetlands expert.
 - c. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland; for example: shoreline environment, lakes, ponds, and streams.
7. Major Lakes, Ponds and Streams.
 - a. Definition. Lakes and ponds, over one acre in size, and creeks and streams classified as Type 1 and 2 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of anadromous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described “shoreline environment.”
 - b. Source. Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, Franklin County Planning and Building Department.
 - c. Eligibility. Eligible lands are those meeting the definition above. Not eligible under this category if the property has received points under the shoreline environment resource category.
8. Farm and Agricultural Conservation Land.

- a. Definition. Land that was previously classified under RCW 84.34.020(2) ("Farm and Agricultural Land") that no longer meets the criteria of said subsection and that is reclassified under this Ordinance.
- b. Source. RCW 84.34.020(8).
- c. Eligibility. Eligible lands are those which meet the definition above and will return to commercial agricultural production within a 10 year time period.

9. Floodplains or Floodways.

- a. Definition. Properties which contain floodways or 100-year floodplains as designated by the Franklin County critical areas maps or by the Federal Emergency Management Agency flood maps.
- b. Source. Federal Emergency Management Agency flood maps or the Franklin County critical area maps.
- c. Eligibility. Eligible lands are those that meet the definition above. Not eligible under this category if the property has received points under the shoreline environment resource category or streams.

10. Geologically Hazardous Areas.

- a. Definition. Properties which contain areas that pose potential threats to life or property because of unstable soil, geologic or hydrologic conditions or steep slopes. This includes all landslide and seismic hazard areas.
- b. Source: Federal Emergency Management Agency, Washington State Department of Ecology, Washington State Department of Natural Resources (Division of Geology and Earth Resources), and geologic or geo-technical experts.
- c. Eligibility. Eligible lands are those that meet the definition above.

B. Medium Priority Resources. Medium priority resources shall receive two points. Resources shall be verified pursuant to Section 14(A)(2).

1. Public Lands Buffer.

- a. Definition. Lands lying adjacent to public-owned parks, forests, wildlife preserves, natural reservations or sanctuaries.

- b. Source. Any city or county comprehensive plan, parks and recreation plan, or map showing ownership.
 - c. Eligibility. Lands being buffered shall be in public ownership as shown on the Franklin County assessor's tax records. Fifty percent or more of any one property line must border the public lands. Does not include airports, well sites, or other infrastructure sites for cities, towns, and county, nor does this include lands under Section 8(D).
- 2. Minor Lakes, Ponds and Streams.
 - a. Definition. Lakes and ponds, under one acre in size, and creeks and streams classified as Type 3, 4, and 5 (or other state equivalent) as defined by WAC 222-16-030, located within a well-defined channel, that carry a perennial flow throughout the year and are used in the life cycles of anadromous fish, based on data compiled by the Washington State Department of Fish and Wildlife or other agency with expertise, and are not in a previously described "shoreline environment."
 - b. Source. Washington State Department of Fish and Wildlife, Washington State Department of Natural Resources, Franklin County Planning and Building Department.
 - c. Eligibility. Eligible lands are those meeting the definition above. Not eligible under this category if the property has received points under the shoreline environment resource category.
- 3. Scenic Vistas.
 - a. Definition. An area of natural features which is visually significant to the aesthetic character of the county and is visible from a historically significant or scenic public right-of-way.
 - b. Source. No inventory available.
 - c. Eligibility. Lands under this resource category must be visible from historically significant or designated scenic highways by a significant number of the general public. Such lands must be of sufficient size to substantially preserve the scenic resource value and must contain a minimum of 40 acres.
- 4. Category III Wetlands.
 - a. Definition. All Category III wetlands over 2,500 square feet.
 - b. Source. National Wetlands Inventory maps, Franklin County Planning and Building Department, wetlands expert.

- c. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland; for example: shoreline environment, lakes, ponds, and streams.
- C. Low Priority Resources. Low priority resources shall receive one point. Resources shall be verified pursuant to Section 14(A)(2).
 - 1. Fee Recreation and Public Access Parking.
 - a. Definition. An area that has designated parking for the public and fee recreational activities. All recreational activities and fees collected must be administered by a nonprofit organization. The nonprofit organization shall have qualified and be certified as a nonprofit organization under Internal Revenue Code Section 501(c)(3).
 - b. Source. None.
 - c. Eligibility. Eligible sites are those in which the recreational activity is present, and parking is provided. The site may not have been developed to its maximum potential under its current zoning classification.
 - 2. Category IV Wetlands.
 - a. Definition. All Category IV wetlands over 10,000 square feet.
 - b. Source. National Wetlands Inventory maps, Franklin County Planning and Building Department, wetlands expert.
 - c. Eligibility. Eligible lands are those meeting the above definition. Not eligible for other points relating to the wetland; for example: shoreline environment, lakes, ponds, and streams.
 - 3. Urban Growth Area Open Space.
 - a. Definition. Lands located within one-half mile of the corporate boundary of a town or city and designated by city or town comprehensive plan as a conservancy, park, or open space.
 - b. Source. Local city or town comprehensive plan.
 - c. Eligibility. Eligible lands are those meeting the definition above.

Section 16 *Public access*

Except as outlined below, public access to the enrolled property and the features and resources contained therein is required. The applicant may determine the method and rules for public access, subject to approval by the board. Applications for enrollment in the program shall include the method and proposed rules for public access, which may include, but is not limited to, no motor vehicle usage, no hunting, no fishing, no firearms, etc. If access to the enrolled property involves the crossing of adjacent properties or using a private easement not owned by the applicant, the applicant must supply documentation that the public may cross such adjacent properties to access the enrolled property. Such documentation shall be recorded with the Franklin County auditor and shall extend the life of the open space agreement.

- A. An Application Review Committee, consisting of the County Planning Director, County Engineer, and applicable resource agencies, shall review each application (related to public access) and make a recommendation to the Planning Commission and Board of Commissioners. This recommendation may involve conditions that will ensure the public benefit is fulfilled and ensure adequate access is provided.
- B. In specific instances, public access may be detrimental to the resource(s) involved; therefore, the feasibility of the public access requirement will be reviewed during each application process. The public access requirement may be waived for all or portions of the property. Conditions that may lead to a waiver include, but are not limited to:
 - 1. The subject property contains an endangered, threatened, or sensitive plant or animal species verified in the field by qualified personnel from the appropriate agency;
 - 2. The subject property contains a known archaeological, historical, or tribal cultural site verified in the field by qualified personnel from the appropriate agency.
 - 3. The subject property contains land that qualifies as Farm and Agricultural Conservation Land (Section 15 A (8)). The minimum parcel size eligible for this access waiver shall be no less than 20 acres in size.

Section 17 *Improvements*

When determining eligibility of a parcel for enrollment under this ordinance that includes structural improvements, a one-acre minimum improvement area or home-site will be excluded and not enrolled under this Ordinance. Covenants, conditions and restrictions (CC&Rs) or conservation easements may increase the improvement area to more than one acre depending on the language in the CC&Rs or the conservation easement. This also applies to potential building areas listed in the CC&Rs and the conservation easement. This improved area or potentially improved area will be assessed at market value as determined by the assessor.

Section 18 *Sign required*

Signs are required only when public access is required under the provisions of this Ordinance, the cost of which shall be the responsibility of the landowner. All signs shall:

- A. Be posted within 90 days following enrollment in the program;
- B. Be purchased from Franklin County as official open space open space public access signage;
- C. Be posted on the subject property's road frontage, or nearest public road as deemed appropriate by the board;
- D. Be maintained at the landowner's expense in good condition for as long as the property is enrolled in the program. Failure to maintain or replace removed, missing, or damaged signs by the property owner may jeopardize enrollment in the program.

Section 19 *Unapproved signs*

Signs posted by the landowner, on or around the property proposed for enrollment, must be approved at the time of enrollment in the program. Unapproved signs which appear to discourage or prohibit public access to the enrolled property shall be removed immediately, or the property shall be subject to this Ordinance's Enforcement process.

Section 20 *Hold harmless agreement*

All owners of property enrolled in the program who are required to grant public access to the subject property shall execute and record a hold harmless agreement, releasing Franklin County of any liability which may arise as a result of enrollment in the program. Such forms shall be provided by the department.

Section 21 *Open space agreement*

Upon approval by the board, an open space agreement between the county and landowner shall be signed and recorded with the auditor and may contain the conditions of continued enrollment under this Ordinance. The agreement to tax land according to its current use is not a contract between the owners and the county. This agreement can be abrogated, annulled, or cancelled at any time by the state legislature in which event no additional tax, interest, and/or penalty shall be imposed, as specified by WAC 458-30-355.

- A. Within five calendar days after the approval of the application for enrollment under this Ordinance, the department shall deliver by certified mail, return receipt requested, the agreement to the owner for signature.
- B. The owner may accept or reject the agreement.
- C. If accepted, the agreement shall be signed and returned to the department within 30 days after receipt. If the agreement is not returned to the department within 30 days after receipt, the county shall presume the agreement has been rejected.

Section 22 *Minimum participation period*

When land has been enrolled in the program, it shall remain under such classification and shall not be applied to another use except as provided by RCW 84.34.070(2), for at least 10 years from the date of the recording of the open space agreement and shall continue under such classification until and unless withdrawn from the classification after notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial 10-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the assessor. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this program. The assessor shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification and the land shall be subject to the additional tax and applicable interest due under RCW 84.34.108.

Section 23 *Change in use*

When land which has been classified under this Ordinance is applied to some other use, such landowner shall notify the assessor within 60 days of such change and shall be subject to the provisions of RCW 84.34.080.

Section 24 *Open space land amendments*

Amendments to the public benefit rating for properties enrolled in the program shall be processed the same as new open space land applications in accordance with this Ordinance.

Section 25 *Notice of decision*

The department shall notify the assessor and the landowner of the approval of an application for enrollment under this Ordinance. All denials of an application shall be in writing to the land owner and shall include the reasons for denial.

Section 26 Request for information

The assessor and/or department may require an owner of land enrolled under this Ordinance to submit data relevant to the use of the land or other information pertinent to the continued classification of the land, as specified by WAC 458-30-270.

Section 27 Continuing enrollment upon sale or transfer of ownership

Property enrolled under this Ordinance may be sold or transferred to new owners subject to the provisions of WAC 458-30-275.

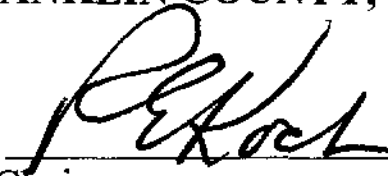
Section 28 Enforcement


Property which has been approved under this Ordinance but which is found to be in violation of any terms of the open space agreement or condition of enrollment, may be removed from the program and all applicable fees, penalties, and interest shall become due pursuant to Chapter 84.34 RCW.

Section 29 Effective Date

This Ordinance, #1-2007, shall come into full force and effect on the 10th day of January 2007.

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


Chair


Chair Pro-Tem

ABSENT

Member


Clerk of the Board

CARS FULLY EQUIPPED**FCI**

2007 CROWN VICTORIA	40,075.00
SALES TAX	<u>3,326.23</u>
TOTAL	43,401.23

RUSS DEAN - DAY WIRELESS

2007 CROWN VICTORIA	39,200.00
SALES TAX	<u>3,253.60</u>
TOTAL	42,453.60

STATE CONTRACT - DAY WIRELESS

2007 CROWN VICTORIA	39,639.00
SALES TAX	<u>3,290.04</u>
TOTAL	42,929.04

FCI

2007 CHEVROLET IMPALA	23,00.00
SALES TAX	<u>1,909.00</u>
TOTAL	24,909.00

STATE CONTRACT - DAY WIRELESS

2007 CHEVROLET IMPALA	19,811.00
SALES TAX	<u>1,644.31</u>
TOTAL	21,455.31

MC CURLEY - DAY WIRELESS

2007 CHEVROLET IMPALA	19,870.00
SALES TAX	<u>1,649.21</u>
TOTAL	21,519.21