Commissioners' Proceedings for July 25, 2012

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

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

PLANNING AND BUILDING DEPARTMENT

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

Conditional Use Permit CUP 2012-07, a Conditional Use Permit application request to construct a 2,122 square foot accessory building (detached garage/storage building) in the Residential Suburban 20,000 (RS-20) Zoning District. The property is located east of Road 92, north of Maple Drive, along the south side of Sunset Trail Road near site address 8904 Sunset Trail Road, applicant Brian Berglin

Meeting convened at 9:01 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning and Building Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney, Scott Cave and Tri-City Herald Reporter John Trumbo.

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

On the screen, Mr. MacPherson showed aerial photographs of the application area using 2009 aerial photographs with parcel overlay and a photograph of the existing home. He also showed an elevation drawing on the screen. The applicant is proposing to match the accessory building in the same siding and roofing but trying to mimic the slate tile roof with a material that is much lighter and less costly.

Mr. Wendt reviewed the conditions of approval.

Mr. MacPherson answered Mr. Miller's question about the roof. Mr. Koch noted that the proposed building is similar to other buildings in the neighborhood.

Commissioners' Proceedings for July 25, 2012

Mr. Peck asked the planners to consider making a change to increase the outbuilding sizes that are allowed without a conditional use permit. Mr. Koch said to make sure the height doesn't intrude on neighbors. He also wants to continue to require that outbuildings have a compatible look with the homes.

<u>Motion</u> – Mr. Miller: Mr. Chairman, I move that we approve Conditional Use Permit 2012-07 subject to the six findings of fact and nine conditions of approval. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-246 was approved.

PUBLIC HEARING REGARDING AQUIFER PROTECTION AREAS: To hear objections and comments about placing a ballot measure on the November 6, 2012, general election ballot for the creation of one or more aquifer protection areas per RCW 36.36.020 in the Franklin County voting precincts numbers 83, 84, 88, 89, 95, 96 and 97, which includes the cities of Kahlotus and Mesa, for the purpose of funding the protection, preservation, and rehabilitation of subterranean water

Public Hearing convened at 9:15 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning and Building Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney, Scott Cave, Tri-City Herald Reporter John Trumbo and Guy Walters.

Mr. Peck opened the hearing.

Mr. Koch explained that GWMA is a four-county organization (Franklin, Adams, Grant and Lincoln Counties) that has been involved in research about water and has been trying to locate options for future water use. There is no more grant money available for GWMA work. He noted that about three weeks ago, the commissioners decided not to approve the request from Kahlotus and Mesa, but after more research, it was determined specific areas of the county could be involved without having the whole county involved. The cost would be \$5 per parcel per year as well as a rate set for each well per year based on well diameter, ranging from \$34.73 for a 6" well to \$385.89 for a 20" well. The City of Connell opted not to request the ballot measure. Nobody else in the county has shown up today to ask that it be put on the ballot. Mr. Koch expects the revenue to GWMA from Franklin County for the particular areas would be about \$40.000 per year based on the information he has received. GWMA is requesting about

Commissioners' Proceedings for July 25, 2012

\$1 million a year. The Commissioners have been informed that Grant County is not going to put it on the ballot, which would have been about half of the \$1 million amount.

Mr. Peck noted that the Commissioners have received letters from the City of Kahlotus and the City of Mesa requesting that the matter be put on the ballot (Exhibits 2 and 3).

Mr. Peck asked if anyone in the audience would like to comment.

Scott Cave, Public Information Communications Officer for Columbia Basin Ground Water Management Area, spoke in favor of putting the issue on the ballot. He said there is support in Grant County but it was not approved to go to the ballot at this time. GWMA could move forward as a three-county GWMA. He answered Mr. Peck's question about GWMA's plans if only a portion of Grant County participates in funding. Mr. Cave said the City of Connell did support GWMA continuing by using another source of funding but did not support it going to a ballot measure.

Mr. Peck asked twice more if anyone wished to comment. There was no response.

Mr. Koch said GWMA has done a lot of study over the last 15 years. His biggest concern is to come up with some answers as to where more water is located. The area that is being considered is the area of Franklin County that he believes would be more impacted by the loss of water than other areas. He is in support of putting these seven precincts on the ballot.

Mr. Miller said he has also been involved with GWMA. He thinks this should be put on the ballot.

Mr. Peck appreciates the work that GWMA has done and thinks it's valuable. He said the real question is what action should this Board take in response to these duly elected citizens. The answer is clear to me that it's local control and it's citizen driven. That's the only appropriate course for us. I would support as well.

<u>Motion</u> – Mr. Koch: I'll move that we put the seven precincts that are shown on the map and have been listed as #83, 84, 88, 89, 95, 96 and 97 on the general ballot this fall. We are doing this specifically in response to and out of respect for the written requests received from the City Councils of Mesa and Kahlotus. Second by Mr. Miller. 3:0 vote in favor.

Commissioners' Proceedings for July 25, 2012

PUBLIC WORKS

Acting Public Works Director Guy Walters met with the Board. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney, Scott Cave, Tri-City Herald Reporter John Trumbo and Dan Blasdel.

Review of Classification Committee Recommendation

Mr. Peck said he has received the assurances he needs and has no objection to the Classification Commission recommendation and the rehiring of a previous employee.

Mr. Koch said members of the County Road Administration Board (CRAB) had nothing but high regards for Mr. Erdman and his CAD/design work.

Mr. Miller said he is also in favor of rehiring Mr. Erdman.

The Board gave consensus approval of rehiring Craig Erdman.

Vouchers

Mr. Walters told the Board about the work he has done to physically check that items have been received prior to paying vouchers for them.

Weed Spraying

Mr. Walters said discussions are continuing about weed spraying in the county.

CORONER (9:41 am)

Coroner Dan Blasdel met with the Board. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney and Tri-City Herald Reporter John Trumbo.

Replacement of County Vehicle

Mr. Blasdel described a vehicle accident caused by another party that totaled the countyowned 1998 S10 pickup used by the Coroner. The Commissioners directed the County Administrator to handle the matter and obtain a replacement vehicle.

OFFICE BUSINESS

Administrative Assistant Toni Fulton met with the Board. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney, Tri-City Herald Reporter John Trumbo, Troy Woody and Rosie Rumsey.

Commissioners' Proceedings for July 25, 2012

Vouchers

<u>Motion</u> – Mr. Koch moved for payment of miscellaneous expenditures presented by Franklin County Auditor in the bottom line of \$325,297.98. It is approved by Matt Beaton and audited by Julie Jordan. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 4)

Fund Expenditures	Warrants		Amount Issued
Current Expense	69121	69130	\$16,594.88
Auditor O & M	69131	-	\$63.41
Courthouse Facilitator Program	69132	-	\$1,230.05
Enhanced 911	69133	69136	\$79,925.75
Ending Homelessness Fund	69137	69139	\$5,503.67
Dept of Commerce Pass Through	69140	69141	\$90,642.69
TRAC Operations Fund	69142	69184	\$31,961.66
Franklin County RV Facility	69185	69193	\$7,229.12
Current Expense	69194	69231	\$67,632.23
Current Expense	69232	69247	\$8,603.57
Current Expense	69248	69444	\$12,555.94
Current Expense	69445	-	\$329.13
Landfill Closure Trust Fund	69446	-	\$3,025.88

Mr. Peck asked Mr. Bowen to request that other offices also do checks of actual items received before approving warrants for payment.

Minutes

<u>Motion</u> – Mr. Koch: I move for approval of Commissioner Proceedings for July 11, 2012. Second by Mr. Miller. 3:0 vote in favor.

Consent Agenda

Mr. Peck said item #3 needs to be pulled because the State of Washington Military Department has not yet provided their comments about a word change. He said the latest discussion from the state is that we may not need a written agreement.

Commissioners' Proceedings for July 25, 2012

Mr. Peck noted that he will recuse himself from voting on the consent agenda today because item 2 is appropriate to be included but the individual being appointed is someone that fits in the category of a friend and someone he has done business with personally.

<u>Motion</u> – Mr. Miller: Mr. Chairman, I move that we approve items 1 and 2 on the consent agenda and pull Number 3. Second by Mr. Koch. 2:0 vote in favor. Yeas: Miller and Koch.

- 1. Approval of Resolution 2012-247, 2012-2014 Collective Bargaining Agreement (CBA) between Franklin County and Local 874-CH (Courthouse-Public Works & Admin) of American Federation of State, County and Municipal Employees (AFSCME)
- 2. Approval of authorizing the chairman's signature to cast an affirmative vote to nominate T. Dean Moody II to be appointed to the Specialty Contractor position on the Mid-Columbia Building Appeals Commission, term expiring December 31, 2013

(Clerk's Note: Item #3 was pulled from the consent agenda.)

3. Approval of Resolution 2012-_____, Memorandum of Understanding between Washington State Military Department and Benton County, Washington, and Franklin County, Washington

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney, Tri-City Herald Reporter John Trumbo, Janet Taylor and Ryan Verhulp.

Fire Door Damage

Mr. Woody informed the Board about damage done to a fire door when it was clipped by a forklift operator. At least three repair quotes have been received. Mr. Woody believes the cost can be paid from the TRAC budget.

PROSECUTING ATTORNEY (10:00 am)

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Lester Storms, Jim Follansbee, Roger Lenk, Al Yenney, Tri-City Herald Reporter John Trumbo and Troy Woody.

Executive Session at 10:01 am expected to last up to 10 minutes for the Tyrell claim for damages pursuant to RCW 42.30.110(1)(i) as potential litigation. Mr. Verhulp asked that Mr. Woody be invited to join the executive session. The other audience members left the room.

Commissioners' Proceedings for July 25, 2012

Open Session at 10:12 am. Present in audience: Troy Woody, Jim Follansbee, Lester Storms and Roger Lenk.

<u>Motion</u> – Mr. Miller: Mr. Chairman, I move that we approve payment in the amount stated at \$2218.53 for Broadmoor RV Superstore, Inc., plus lodging of up to \$698.60 to Red Lion Hotels. This is for the claim of an RV that was damaged by a TRAC employee. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-248 was approved.

COUNTY ADMINISTRATOR (10:15 am)

County Administrator Fred Bowen met with the Board. Present in audience: Troy Woody, Jim Follansbee, Lester Storms, Roger Lenk and Ryan Verhulp.

Travel Request

The Board **gave approval** for the County Administrator's travel to attend the Local Government Budgeting and Fiscal Management Workshop.

Courthouse Annex Parking Lot Repair

Mr. Bowen told the Board about repairs to the Courthouse Annex parking lot that he authorized. The cost of the asphalt was approximately \$1600. The Board members had no objections.

Executive Session at 10:20 am to evaluate qualifications of an applicant for employment or review performance of a public employee per RCW 42.30.110(1)(g) expected to last 10 minutes. Those in the audience left the meeting.

Open Session at 10:32 am. Present in audience: Roger Lenk and John Trumbo.

Special Warranty Deed

Prosecutor Shawn Sant and Deputy Prosecutor Ryan Verhulp met with the Board. **Executive Session** at 10:33 am regarding special warranty deed contract negotiations per RCW 42.30.140(4) expected to last up to 15 minutes. Mr. Lenk and Mr. Trumbo left the audience.

Open Session at 10:50 am. Present in audience: Roger Lenk and John Trumbo.

Executive Session extended at 10:50 am for up to an additional 10 minutes. Mr. Lenk and Mr. Trumbo left the audience.

Open Session at 11:05 am. Present in audience: Roger Lenk and John Trumbo.

Commissioners' Proceedings for July 25, 2012

Claim for Compensation

Executive Session at 11:07 am per RCW 42.30.110(1)(i) related to the demand or claim for compensation from Noe Spencer expected to last up to 15 minutes. Mr. Lenk and Mr. Trumbo left the audience.

Open Session at 11:24 am.

Legal Risks of a proposed action

Executive Session at 11:25 am per RCW 42.30.11)(1)(i) legal risks of a proposed action, the legal risks if any as related to creating a Deputy Administrator position, expected to last up to 10 minutes.

Open Session at 11:38 am.

ADJOURNMENT

<u>Motion</u> – Mr. Miller: Mr. Chairman, I move that we adjourn the meeting. Second by Mr. Koch. 3:0 vote in favor.

Adjourned at 11:38 am.

Commissioners' Proceedings for July 25, 2012

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until August 1, 2012.

BOARD OF COUNTY COMMISSIONERS FRANKLIN COUNTY, WASHINGTON

Brad Peck, Chairman

Rick Miller, Chairman Pro Tem

Robert E. Koch, Member

Attest:

May Withers

Clerk to the Board

Approved and signed August 8, 2012.

Franklin County

Board of Commissioners Agenda Summary Report

DATE : July 17, 2012	PRESENTED BY: Jer	rod MacPherson
ITEM: (Select One)	Consent Agenda. X To Be Brought Before the Board. Time needed: 15 minutes	Date: July 25, 2012

SUBJECT / ISSUE: CUP 2012-07 (Brian Berglin), a Conditional Use Permit (CUP) application to construct a 2,122 square foot accessory building (detached garage/storage building) in the Residential Suburban 20,000 (RS-20) Zoning District.

ACTION(S) REQUESTED:

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

BACKGROUND:

A Conditional Use Permit application request to construct a 2,122 square foot accessory building (detached garage/storage building) in the Residential Suburban 20,000 (RS-20) Zoning District.

The exterior of the new building is proposed to match the existing home at the site. A Conditional Use Permit is required to exceed the maximum size allowed (1,680 sf) in the Residential Suburban 20,000 (RS-20) Zoning District.

Public Testimony and Discussions:

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

Open Record Hearing Testimony:

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

Planning Commission Voting/Discussion: Positive recommendation with 5 in favor; 0 against.

Summary: At the regularly scheduled Planning Commission hearing on July 10, 2012 the Franklin County Planning Commission voted to forward a positive recommendation for this application to the Board of County Commissioners subject to the following six (6) findings of fact and nine (9) conditions of approval:

Finding of Fact:

- 1. The proposal is in accordance with the goals, policies, objectives, maps and or narrative text of the comprehensive plan.
- 2. The proposal will not adversely affect public infrastructure.
- 3. The proposal **will be** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
 - a. The intended character of the area is residential with the construction of single family residential homes and compatible residential accessory buildings.

Page 2 Agenda Summary Report

- b. Large industrial style buildings are not consistent with the intended residential character of the area.
- c. Accessory buildings, located in the RS-20 Zone, that are proposed to be larger than what is outright permitted in the zone shall be constructed to match the home as closely as possible in color, siding, and construction. This will assist in ensuring the accessory building is constructed to be in harmony with the intended character of the residentially zoned area.
- 4. The location and height of proposed structures and the site design **will not** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
 - a. An accessory building that exceeds the size allowed in the zoning district (in this case, greater than 1680 s.f.) may be constructed in a manner to not discourage the development of other permitted uses in the zone. Limiting the height of the building to be no greater than 18' average roof height and constructing the accessory building to match the home as closely as possible in color, siding, and construction. These mitigation measures will ensure the proposal will not discourage the development of permitted uses and meet the intent of the Urban Area Comprehensive Plan.
- 5. The operation in connection with the proposal **will not** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
- 6. The proposal will not endanger the public health, safety, or general welfare if located where proposed.

Conditions of Approval

- 1. Approval grants the applicant the ability to construct a 2,122 square foot accessory building (detached garage/storage building). The total square footage granted is larger than the square foot size limitation for the Residential Suburban 20,000 (RS-20) Zoning District. The property is approximately 1 acre in size. The use of the building is for typical residential uses and is not for commercial use.
- 2. Accessory buildings in the Urban Growth Area that are proposed to be larger than what is outright permitted in the zone shall be constructed to match the home as closely as possible in color, siding, and construction. This will assist in ensuring the accessory building is constructed to be in harmony with the intended character of the residentially zoned area.
 - a. Roofing materials must be residential in nature and be compatible with the home in style and color. Typical residential roofing materials must be utilized. The applicant's home on the site has a slate tile roof, and the applicant is proposing to match the proposed accessory building's roof with that of the homes slate tile roof utilizing metal, ceramic or composite material that will be similar in style and color.
 - b. Siding materials must be residential in nature and be compatible with the home in style and color. Typical residential siding materials must be utilized. Metal siding is not permitted with this approval.
 - c. The height of the proposed accessory building, per the County Zoning Ordinance, shall be no higher than 18' average roof height.
- Compliance with Fire Code Official requirements including:
 - a. This area is covered by Fire District #3.
 - b. This property shall remain free of all fire hazards, including but not limited to weeds, debris, new or used tires, discarded vehicle parts, hazardous waste, fuel or oil storage.

Page 3 Agenda Summary Report

- c. The proposed use, occupancy and associated classification(s) for any activity and additional use shall meet all current & adopted Building Codes, Residential Codes, Zoning Codes, Fire Codes and Fire & Life Safety codes in effect and as adopted by Franklin County. This will also include obtaining an access approach and complying with the access approach requirements for this structure from the County Road.
- 4. Applicant must meet the requirements of the Benton-Franklin Health Department.
- 5. Applicant shall comply with the Building Division requirements including obtaining a building permit. This process includes, but is not limited to, obtaining an access permit, plan submittal (engineered/architect stamped plans if applicable), roof height verification (18' average roof height maximum), and health dept. approval.
- 6. Approach permits are required for any new approaches onto county roads.
- 7. The applicant shall apply for a building permit for the new structure within 18 months after the effective date of the special permit, or the special permit shall expire.
- 8. Nothing in this CUP approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
- 9. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department or the permit will be cancelled. It cannot be transferred to another site.

COORDINATION:

N/A

RECOMMENDATION:

The County Planning Commission recommends the Board of Commissioners approve CUP 2012-07 with the following motion:

Motion:

Grant approval of CUP-2012-07, subject to the six (6) findings of fact and nine (9) conditions of approval.

HANDLING / ROUTING:

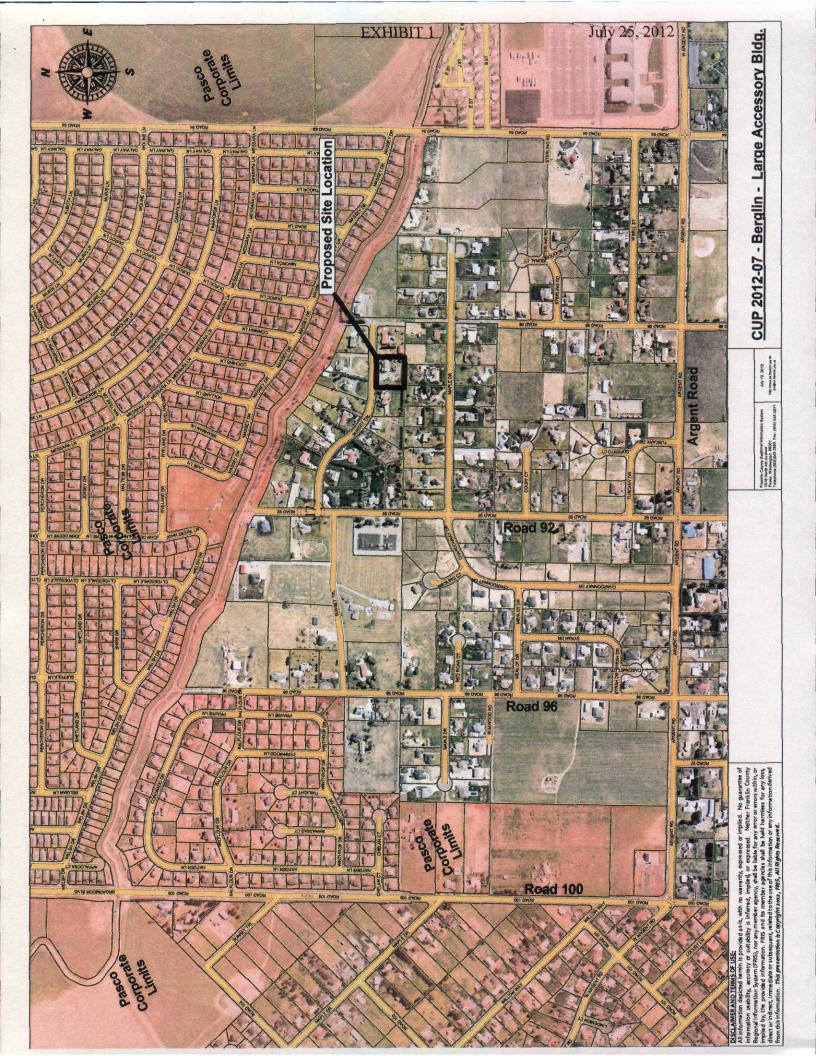
N/A

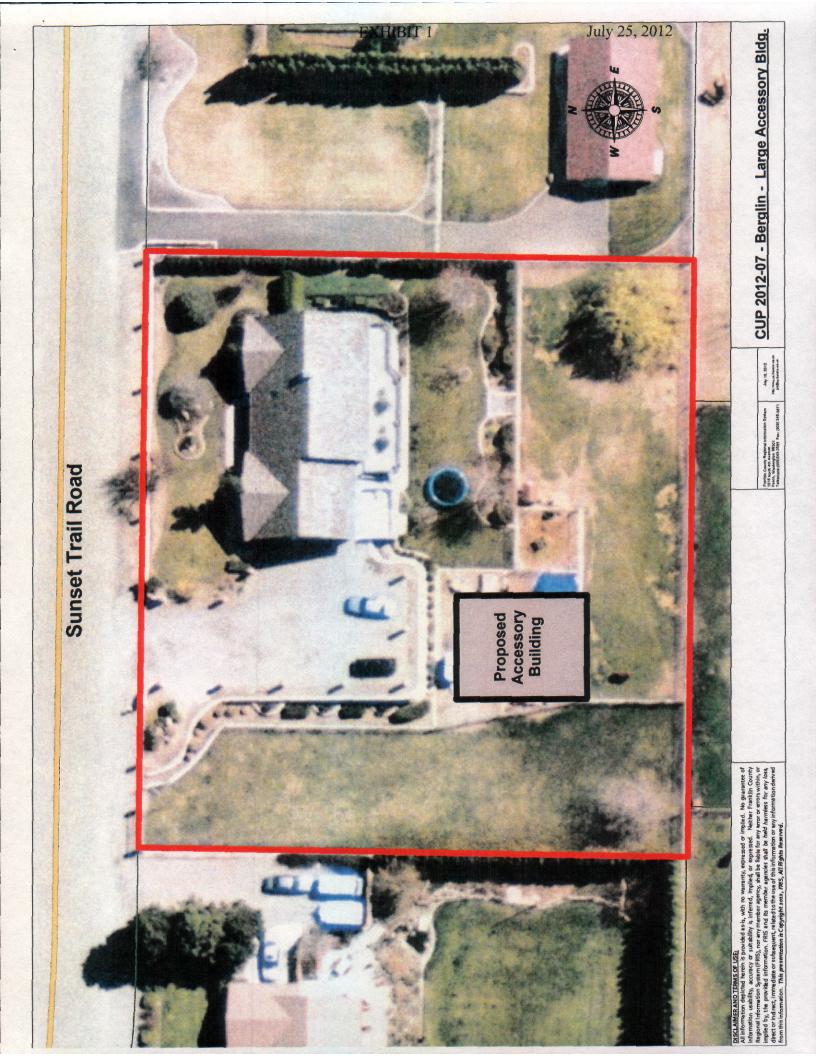
ATTACHMENTS:

Four (4) exhibits are attached for consideration: 1) An aerial overlay map of the general area and parcel in question; 2) A detailed aerial overlay map and site plan of the parcel in question; 3) Two pictures of the existing residence located on the parcel in question; and 4) An elevation rendering of the proposed accessory building in comparison with the existing residence.

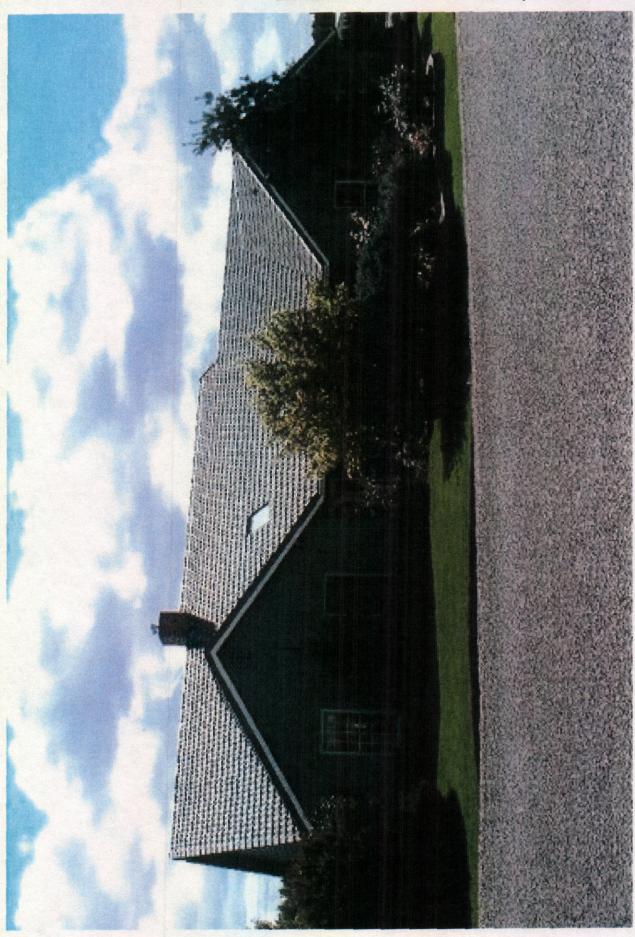
I certify the above information is accurate and complete.

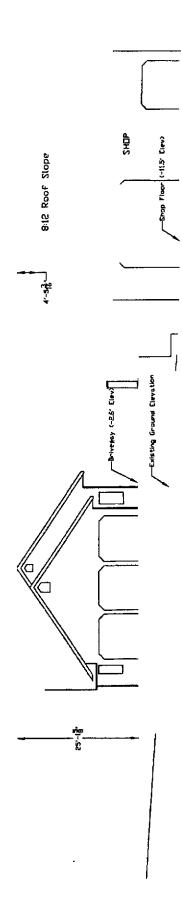
Jerrod MacPherson - Director of Planning and Building











CITY OF KAHLOTUS

P.O. Box 100 130 WESTON ST. KAHLOTUS, WA 99335

26 June 2012
Board of County Commissioners of Franklin County
1016 N. 4th Avenue
Pasco, WA 99301
CC - GWMA, 170 N. Broadway, Othello, WA 99344
CC - City of Kahlotus, Public Records

RECEIVED
JUN 2 9 2012

Franklin County Commissioners

RE:Support for the Creation of an Aquifer Protection Area

Dear Honorable Commissioners:

I am writing this letter to you in support of the creation of an Aquifer Protection Area for the area in Washington State that also encompasses the City of Kahlotus. Myself and the City Council are in full support of the ongoing hard work and research of this project. In recognizing our own future water concerns, we truly appreciate what this group is doing to understand and rectify the situation. We also are in full support of effort to identify and receive funding designated locally to this project.

We, as the Mayor and City Council of the City of Kahlotus, would like to, therefore, voice our support and concern that this project be given full attention and any resources available, with expedience. We thank you for your time and attention, and offer our help when needed.

Respectfully submitted as we are at your service,

Mayor Patri A. Hamilton - City of Kahlotus, Washington, Franklin County, USA

PHONE: (509) 282-3372

(TDD) 1-800-833-6388

FAX: (509)282-3325

July 25, 2012

CITY OF MESA P.O. Box 146

Mesa, Washington 99343

Phone: (509) 265-4253 • FAX: (509) 265-4259

RECEIVED
APR 2 6 2012

Franklin County Commissioners

April 24, 2012

Board of County Commissioners of Franklin County 1016 N. 4th Avenue Pasco, WA 99301

RE: Support for the Creation of an Aquifer Protection Area

Dear Commissioners:

The City Council of the City of Mesa recognizes the importance of the work of the Columbia Basin Ground Water Management Area (GWMA) and the need for local funding in order for the GWMA to be able to continue its efforts to provide on-going scientific data and documentation relating to current and future groundwater conditions for our city and the surrounding area.

Therefore, the City Council of the City of Mesa wishes to express our support and ask that the County Commissioners proceed with the process of creating of an Aquifer Protection Area and assessment to provide local funds for the Columbia Basin Ground Water Management Area.

Respectfully

CC:

David M. Ferguson, Mayor

Columbia Basin Ground Water Management Area



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

7/25/2012

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by R20042.24080 expense reimbursement claims.

Action: As of this date, 7/25/2012

Move that the following warrants be approved for payment:

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

FUND Expenditures	WARRANTS		AMOUNT ISSUED
Current Expense	69121	69130	\$16,594.88
Auditor O & M	69131	-	\$63.41
Courthouse Facilitator Program	69132	-	\$1,230.05
Enhanced 911	69133	69136	\$79,925.75
Ending Homelessness Fund	69137	69139	\$5,503.67
Dept of Commerce Pass Through	69140	69141	\$90,642.69
TRAC Operations Fund	69142	69184	\$31,961.66
Franklin County RV Facility	69185	69193	\$7,229.12
Current Expense	69194	69231	\$67,632.23
Current Expense	69232	69247	\$8,603.57
Current Expense	69248	69444	\$12,555.94
Current Expense	69445	-	\$329.13
Landfill Closure Trust Fund	69446	-	\$3,025.88

In the amount of

The motion was seconded by

1//

The attached vouchers have been approved by Auditor or Deputy

\$325,297.98

Vouchers Audited By

Bandha