

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for February 20, 2008

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

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Also present: Facilities Director Christopher Giles.

Consent Agenda

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

1. Approval of **joint Resolution 2008-066** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Contract for Direct Services between the Benton-Franklin Juvenile Justice Center and Benton & Franklin Counties Community Public Health & Safety Networks, for a term commencing December 17, 2007, and terminating May 31, 2009. (Exhibit 1: Information sheet.)
2. Approval of **joint Resolution 2008-067** in the matter of execution of Amendment # 07/10-HGAP-CAC-1 with Benton Franklin Community Action Committee (BFCAC) for the provision of cash match funding for the Homeless Grant Assistance Program (HGAP) in accordance with the 2006 Benton and Franklin Counties "Home Based Connections" Jail Release Technical Submission by BFCAC and Benton County's March 20, 2007, Letter of Commitment, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 2: Information sheet.)
3. Approval of **joint Resolution 2008-068** in the matter of execution of Amendment #01 for providing developmental disabilities services between the Division of Developmental Disabilities and Benton and Franklin Counties' Department of Human Services, Agreement #0763-21308, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 3: Information sheet.)

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

Handrail on Staircase

Motion – Mrs. Corkrum: I move for approval to authorize the Public Works Contract to add a supplemental handrail on the inside of the historic marble staircase in the amount not to exceed \$76,885, to be paid from the Courthouse Renovation Fund account. Second

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by Mr. Miller. 3:0 vote in favor. Mr. Koch said he is against the cost but it is necessary. Mrs. Corkrum said she is, too. This is Resolution 2008-069.

Mr. Giles said we tested a piece of slip-resistant material on the stairs as well. He is waiting to put it on all of the steps until the contractor has finished his work because the stairs need to be extremely clean to apply the material.

Mr. Giles said the contractor will start doing the measurements next week. It will take five to seven weeks to actually prepare the plan. The stairs will be shut down for 30 days. Mr. Giles will talk to the City of Pasco to make sure the stairs can be closed for 30 days.

Vouchers/Warrants

Motion – Mr. Miller: I move for approval of payment of the following vouchers/warrants: Current Expense warrants 61458 through 61502 for \$25,235.08; Current Expense warrants 61503 through 61535 for \$21,765.42; Current Expense warrants 61536 through 61546 for \$5207.52; Current Expense warrants 61547 through 61594 for \$43,009.28; Current Expense warrants 61595 through 61610 for \$7368.88; Jail Commissary warrants 2432 through 2436 for \$5861.46; Election Equipment warrants 456 and 457 for \$701.83; Law Library warrants 1063 and 1064 for \$10,554.95; Dare Fund Sheriff warrant 11 for \$660.42; DOC Building Inspection warrant 62 for \$15.14; Auditor O&M warrant 464 for \$3440.05; FC Public Facilities Construction warrants 833 through 837 for \$8448.37; Liability Reserve Fund warrants 32 and 33 for \$324.00; Grand Old 4th warrants 175 and 176 for \$320.00; FC Capital Projects Fund warrants 368 through 373 for \$7367.89; Current Expense warrants 61611 through 61616 for \$132,407.32; Current Expense warrants 61617 through 61781 for \$7683.72; Courthouse Renovation warrant 553 for \$7462.00; TRAC warrants 1064 and 1065 for \$20,396.08; and FC RV Facility warrants 420 and 421 for \$629.34; for a total amount of \$308,858.75. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 4)

GROUNDWATER MANAGEMENT AREA (GWMA)

GWMA Coordinator Paul Stoker met with the Board.

GWMA Update

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Mr. Stoker gave the Board a mapping report called "Preliminary Data Collection, Data Interpretation, and Planning for the Subsurface Geologic Mapping and Aquifer Assessment Project" (Exhibit 5). He said the mapping report basically says: They processed a bunch of well logs, put them in a database, and it's the beginning of our mapping. It's the first six months of our work. It will cost us \$75,000 of a \$2 million project. The complete work needs to be completed with a report to the Senate by January 2009. We're trying to figure out where our water comes from, how it gets there, and how much time we have left.

Mr. Stoker gave the Board some information and a set of maps showing nitrate levels for Grant County and Franklin County (Exhibit 6). Mr. Stoker explained what the various well sampling projects have included, particularly during the last eight to ten years. Two years ago we picked out 75 wells in Franklin County and 75 wells in Grant County and sampled them once a month for nitrates and for the static water level (how high the water was in the well.) He showed maps of nitrate level readings in Franklin County and Grant County. One hundred percent of the wells in one section of Franklin County that were tested had nitrates above drinking standards. The rest of the county has no problem. This means that Franklin County as an entire county is not inundated with nitrates. We now have figured out why.

In the northern area of the county, the reason there are not nitrate problems is because there are a bunch of canals that crisscross the surface and they leak like crazy. The groundwater is constantly being recharged with fresh water so the dilution is so dramatic that the nitrates are low.

In the area with high nitrates, there are not as many canals. The groundwater is pumped up so there is no fresh water coming in and recharging the groundwater. The problem has accrued over 40 years of farming and putting too much fertilizer on, and there's nothing to dilute it. Mr. Stoker said the question now is what can we do about it? We don't have to do it county-wide. Now we focus on where we have to work on it. It sounds bad but it's actually good.

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Mr. Stoker gave the Board two maps showing Franklin County and Grant County static water levels (Exhibit 7). He explained some of the aspects of the data. He said the water is above the basalts. It is similar to a gallon jar filled with marbles and water. The water is flowing from north to south.

Mr. Stoker said one thing you will note is that Franklin County has a lot of water. The basalts at Pasco are 800 feet below the surface, not five feet like at Ritzville. There is 800 feet of sand, rocks, silt, clay, etc., all dumped on top of basalts from the Missoula floods. Anything that's not rock is sediment. When the project was first started in the 1940s and 1950s, water was 400' to 500' deep not too far away from the river. Now it's 50 feet deep. The water table has come up several hundred feet. It's come up because the irrigation district canals leak and there is a natural flow of water coming down through the sediment on top of the ground and underneath the ground in the Esquatzel Coulee. The coulee probably has about 100' of river rock, sand and other materials that has filled in over the years. The water runs underground. If you go north of Pasco on Glade North Road to the fertilizer station and pump station, you will see where water bubbles up out of the ground. It used to come up west of Glade North Road and went out in the sands north of Clark Addition, settled in the sands, and there was a creek there at that time that then disappeared until coming up in the West Pasco area. The irrigation district started pumping the water up about 40 years ago so there has been a change. The map shows it's not 500' deep to water any more. You have a resource but you're not using it.

Mr. Stoker gave the Board a paper titled "Federal Request for Funding" (Exhibit 8). He said GWMA would like to continue the sampling process for two more years. The work that has been done so far is the beginning or first phase of building a workable model for hydrology for our counties. It shows the top 100' above the basalts. It is what we would use to build a model. Below this area are the basalts which are like pipelines. We need a couple more years of data to finish this up.

Letters to Legislators requesting funding

Mr. Stoker asked for approval of letters to five legislators requesting the funding as outlined on Exhibit 8, to continue the monitoring and the baseline well sampling.

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Motion – Mrs. Corkrum: I move we authorize the chairman to sign letters for the Columbia Basin Ground Water Management Area for \$900,000 for Fiscal Year 2009 and it's for the Columbia Basin Ground Water Management Area. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 9)

Mr. Koch said he will be traveling to Washington, D.C., on March 3 and 4 and will try to meet with some of these legislators. Mr. Stoker said consultant Scott Cave will put a packet together that Mr. Koch can take with him.

Memorandum of Understanding with Franklin Conservation District

Mr. Stoker requested approval of a Memorandum of Understanding (MOU) between Franklin County and the Franklin Conservation District. Each of the four GWMA counties has agreed to fund some of the public relations issues that we have to deal with. There is a \$40,000 four-county budget. This is the interlocal agreement that covers the reporting, distribution and use of those funds. Franklin County's share would be \$14,800. GWMA will provide a report at the end of the year as required by the state.

Motion – Mr. Miller: I move that we approve Resolution 2008-070 for Franklin County Board of Commissioners and Franklin County Conservation District on behalf of the Columbia Basin Ground Water Management Area for supplemental funding. Second by Mrs. Corkrum. Mrs. Corkrum said Franklin County's portion is \$14,800 and it is in our budget. 3:0 vote in favor.

Conference

Mr. Stoker said a seminar will be held May 7 and 8 at Holiday Inn Express at TRAC in Pasco regarding statewide aquastorage and recovery. It is significant because if the four counties scientifically come to the conclusion that there are virtually no other rechargeable aquifers other than rainfall, then there is a high likelihood that a good likely solution for us to utilize our groundwater resources is to consider passive recharge. Two types of recharge are available: direct injection and passive recharge. The state is doing a direct injection project in Kennewick. Mr. Stoker feels the direct injection project is too costly and not very effective. An example of a passive recharge would be a dry lakebed hooked to aquifers which filters into the system and automatically recharges. The

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national organization has selected Pasco and our county as the focus of their national assembly on passive recharge. Walla Walla has a passive recharge project going on now, funded in part by the state.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt and GWMA Coordinator Paul Stoker met with the Board.

GWMA

Mr. Stoker answered Mr. Miller's questions about some GWMA issues.

Planning Commission

Mr. MacPherson said Chief Civil Deputy Prosecutor Ryan Verhulp and Secretary Debbie Ford are working to prepare updated Planning Commission information. They have found a 1935 resolution that established the original Planning Commission.

Mr. MacPherson and Mr. Wendt told the Board about some ideas for preparation to appoint Planning Commission members in the future, including the use of interviews and/or supplemental questionnaires that would be part of the application submittal process. The Board could ask the Planning Commission chairman and/or member or members to help evaluate applications. The Board could also hold interviews with potential members. There are no set parameters.

Planning Commission Districts

A map of the county's Planning Commissioner districts was shown on the screen.

Recessed at 10:08 am.

Reconvened at 10:15 am.

PUBLIC WORKS

Motion – Mr. Miller: Mr. Chairman, I move that we approve the vouchers for County Road Fund for \$469,592.70; MV & PW Equipment Fund for \$57,443.24; Solid Waste Fund for \$991.75; and Solid Waste Fund for \$674.74. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 10)

R170 Road

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Mr. Fife has asked Phil Merrell to give the Board a presentation regarding R170 road. The presentation will show all the different options we've looked at, pluses and minuses, costs, etc. The Board does not have to make any decisions on that day.

Resolution: Changing Road Name from Maple Drive to Chardonnay Drive, Changing Road Name from Fox Court to Riesling Court

Motion – Mrs. Corkrum: I move for approval of changing road names from Maple Drive to Chardonnay Drive and changing name from Fox Court to Riesling Court. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-071.

Mr. Fife responded to Mr. Miller's question about the reason for the name changes. The developer is happy to have the changes made. The roads are still private roads at this point.

Road 100/Dent Road Extension

Mr. Fife would like to have the engineers make a presentation to the Board about the Road 100/Dent Road Extension project because there are some problems in acquiring right-of-way.

R170 and Juniper Dunes

Mr. Fife asked for approval of letters to Senators Murray and Cantwell and Representative Hastings asking for funding for two road projects.

Motion – Mrs. Corkrum: I move approval of letters regarding Juniper Dunes Wilderness Access Phase I and R170 landslide road replacement to send to our two senators and Representative Doc Hastings. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 11)

Mr. Koch said it might be a good idea for him to go to the Bureau of Reclamation office while he is in Washington, D.C., to present the concerns about R170.

Bridges

Mr. Koch asked do we have some more bridges in Franklin County that are 24 feet wide besides the Klamath bridge? Mr. Fife said the Klamath bridge is 27'6" measured from the rail according to his records. He said it is wide enough for two trucks to pass. He said there is a 24' wide bridge on Taylor Flats Road.

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Mr. Koch asked Mr. Fife to bring some information about similar bridge measurements when Mr. Merrell makes his presentation.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Ryan and Tracy Mullen, Ron Reimann and Reid Reimann.

Landfill

Mr. Verhulp asked for approval of payment of an invoice. He has reviewed it.

Motion – Mr. Miller: I move that we approve payment of the Franklin County portion of an invoice to the Landfill Group to Aspect Consulting, LLC, for professional consulting services. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-072. Franklin County's share is \$1405.35. The money will come out of the Landfill Trust Fund.

Claim

Mr. Verhulp said the Board has previously approved payment of two court-ordered amounts in the lawsuit of Brian David Mathews v. Tiffany L. Coffland, Franklin County Treasurer, regarding the Public Records Act, one for \$650 and one for \$210. The court has now also ordered that the plaintiff be awarded costs of \$1234.33. The plaintiff had requested costs of \$1400. The costs were related to the plaintiff's costs for a service to perform drafting of legal documents and research. The court reviewed the invoices. We objected to the amount. Our objection resulted in the costs being reduced to \$1234.33. Mr. Verhulp believes this award should conclude the case. A filing of a judgment will finalize the case and will prohibit either party from making further claim related to the case.

Motion – Mr. Miller: Mr. Chairman, I move that we issue a warrant in the amount of \$1234.33 per Franklin County Superior Court Judgment for plaintiff ordered February 15, 2008, in re Brian David Mathews versus Tiffany Coffland, Franklin County Treasurer, Franklin County Superior Court Case Cause Number 07-2-50999-5. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-073.

PLANNING AND BUILDING DEPARTMENT

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Planning Director Jerrod MacPherson, Assistant Director Greg Wendt and Planner Jeremy Underwood met with the Board.

Closed Record Public Hearing: Conditional Use Permit CUP 2007-17, to consider the Planning Commission's recommendation of an application by Tracy Mullen to operate a bed and breakfast facility

Mrs. Corkrum said she has been advised to recuse herself from the action. She asked if it would be appropriate to stay and not participate or leave the room? Mr. Koch said he doesn't think there is any reason to leave the room.

Mr. Koch opened the closed record public hearing at 10:51 am. Present: Commissioners Koch, Corkrum and Miller, with Commissioner Corkrum recusing herself from the proceedings; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Randy and Tracy Mullen, Ron Reimann and Reid Reimann. Auditor Zona Lenhart joined the audience during the public hearing.

Mr. Koch read the Closed Record Hearing Process from the Action Summary (Exhibit 12).

Mr. Wendt reviewed the Background Information on the Action Summary and said the Findings of Fact and Conditions of Approval are included on the Action Summary. He said some possible motions have also been included. The Board can approve the application, deny the application, or approve the application with changes.

Mr. MacPherson showed an aerial photograph with overlays on the screen. He pointed out some of the current buildings and property uses of the applicant and neighboring properties.

He showed a site plan that was submitted by the applicant on the screen.

He showed a second site plan that was submitted by the applicant on the screen. It includes a proposal for parking in a pasture.

Mr. MacPherson said the Board members have been presented with the Planning Commission's recommendation.

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Mr. Koch said he thinks the biggest reason we're here this morning is the concern of a conditional use permit in the farming area and the repercussions that may come from that. I've had a chance to go through the hearing process, the Planning Commission process. He asked Mr. Miller if he has anything at this point.

Mr. Miller said he'd like to listen to the testimony from both sides and then ask some questions. Mr. MacPherson said the hearing is really a discussion; there is no new testimony. The Board can hear the discussion from the applicant and the Board may ask questions.

Mr. Koch invited Mr. and Mrs. Mullen to comment. Tracy and Randy Mullen, 220 Carr Road, spoke to the Board. Mrs. Mullen said I don't want to be redundant. Greg and Jerrod covered pretty much what we want to do. She expects there would be events held 16 to 20 times a year. She offered to answer questions.

Mr. Miller asked is this for a hobby or a livelihood? Ms. Mullen said she has previous work experience of about six years in event planning, and works part-time now for a small group doing event planning. When we looked at buying the house, it looked like it was set up for this type of thing. It would be kind of a project, I guess.

Mr. Mullen said my question is in order for this meeting to be called there must have been some concerns and it's hard for us to address those concerns unless we know what they are. Is it the fact that it's in an ag area? He said there's a lot of business in Franklin County. Country Mercantile is a huge business that sits right on the edge of a field that brings in thousands of customers, probably on a monthly basis, and is open to the public. This facility will have in the hundreds of attendees and it's not really open to the public. They'll be invited guests. It just seems to be relatively small in comparison to something like the Country Mercantile. I have a dog kennel next to one of my farms in Block 1 that's open to the public. It doesn't seem to be a problem. They're side by side with us with our circles. There are people out there walking dogs every day. As far as I know there are no complaints.

Mr. Koch said these matters come to the Board without any prior paperwork. His first quick impression when this came up was a concern about liability. For instance, if a

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lawyer had a 21-year-old daughter out in the middle of your facility one afternoon and a plane takes off, where is the liability going to end? That was my first thought.

Ms. Mullen said when people come look at the facility, they're going to see there is an airstrip there. I had a friend who wanted to do her wedding there and her first question was not about airplanes, it was "Do those cows stink?" I guess our issue with the airstrip is I'm sure that whoever's running that airstrip is following the regulations, Federal and state, so there should not be an issue with things going on there. If the concern is overspray or something like that, that can happen anywhere.

Mr. Mullen said they're not spraying there.

Mr. Miller said the Department of Ecology has really come down hard on agriculture. The buffering and distance zones are only going to get worse. I think that's my concern more is how the state is going to be looking at this. Because of the closeness of the distance there, it's going to be hard for the people farming the circles right there -- and I've farmed -- you guys do, too -- you know if you apply fungicide every so many days and you can only do it on a Saturday afternoon and there's an event going on there -- How do you feel about that?

Mr. Mullen said as a farmer I have 1-1/2 circles inside the city limits that have homes almost completely surrounding them. Out in Block 1, I have a housing development that my daughter lives in that sits at the edge of my field. I have one housing development right next to a field on the river very close to where we used to live. I'm surrounded by homes. As a farmer I've gotten used to it I guess.

Mr. Miller said a concern would be a foreseeable risk of a lawsuit. At this point my goal is to protect the county and to protect agriculture. Now, if they can't get to us as a county it's going to be back to you and the agriculture in the future what they can do in having it sprayed. If some incident happens here and all of a sudden the newspaper gets hold of it, it puts a big black mark on agriculture. That's my big concern. As a farmer, do you see fear of that?

Mr. Mullen said I do but I don't see why we should be singled out when you've got that all over the county.

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Mr. Miller said the other thing is he knows detection is in parts per million and billion; it's getting so tough to have this kind of activity there, and just thinking of yourself now, the liability factor here –

Mr. Mullen said we carry a lot of insurance. I don't see that problem. If that's the case, maybe they need to close Levy Park. It's right out there in an agricultural area.

Mr. Miller said so what you're saying is really agriculture is not protected any more.

Mr. Mullen said I don't think what we're planning on doing there is going to have any more of a negative impact _____ (inaudible).

Mr. Koch asked if the other members of the public would like to speak as long as it stays within the parameters of the open record public hearing.

Ron Reimann said we have T&R Farms, Inc., a family owned and operated farming operation on P-K Highway. My concerns are that the minutes of the Planning Commission overlook -- I don't think the Planning Commission did their job. First of all, they didn't identify chemical storage, how much is stored and how it is stored. They also missed the nearby seed business that stores chemicals, which nobody identified.

We had a gal buy 17 acres of property and decide to open a bed and breakfast in our area a year ago. Right away she started complaining about airplanes, our truck traffic, chemical smells, she's been sick. In fact if you listen to the Planning Commission's own meetings, that was addressed by Planning Commission member Flo Sayre yet nobody acted on it. If an airplane goes up in the air, people notice it.

The other problem with this airplane business is it's not like a mercantile business where people come to the store. This business flies in three counties, so his customers are spread all over. We're flying up against houses and organic orchard. There are days we have to have a north wind. If that north wind occurs at four in the afternoon or six, we have to have that airplane up when we get the north wind. That's seriously going to limit his ability to fly. He doesn't just fly for us at eight in the morning or six in the morning, he flies for us all day. We've even flown every other day and we need a wind sometimes, a slight breeze. You don't want perfectly calm air to fly because your chemical is going

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to be caught in an inversion. This affects a big area if you can no longer fly. If he can no longer fly for us, if it even denies us on one flight that's important, we have to change our place of business.

Ron Reimann said his other concern with the Planning Commission was at no time was the Open Space law discussed. He said the Open Space law was given for protection of agriculture, wildlife and habitat. That was not discussed at any time during the Planning Commission's meeting. I think that was a very important part of the reason for this was zoning because of what's agriculture. If this permit is allowed, then I don't know how the Commissioners could disallow a permit right next to us then because it doesn't make any difference whether it's within one mile of an ag zone or ten miles, it's all relative.

Ron Reimann said our concern is that this could severely affect a business we do business with and it could severely affect the operation of our farm down the long term if we continually encroach upon agriculture. I realize that that's why we have urban planning and growth boundaries but we need to have a growth boundary that moves with the population, not take a shot out into an area and then change that and then grow around that. So I view this as it could be very detrimental to any of the agriculture business around there.

Reid Reimann spoke. He also farms with Ron Reimann. He said, "I agree with most of his points" (referring to Ron Reimann). My main concern was not with the flying -- Like I said, if there are conditions, you can't fly at certain times, my recommendation is that's fine; we'll just have to pull our business somewhere else because we can't have it coming up where we can't fly. Another concern was also with the lady that was coming down the road, I don't know how you're going to stop that down the road because it affects more acres just on the airstrip than it would just being farther out than it is now in our area.

So really I don't have anything else to say other than that if you allow that, when are you going to be able to stop it down the road? I just have the same concerns that he does. I might be able to expound on those more. It's not a personal vendetta against

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what they're trying to do because it's their place – I understand they want to do what they want to do. It's just my concerns.

Mr. Koch remembers hearing years ago in the Seattle area when someone moved in alongside SeaTac Airport and started whining about it. You're going to get that. He gave an example from Switzerland when city people moved into a farming area but didn't like the cowbells so they had to take the cowbells off.

Mr. Koch said I have a hard time seeing that. I feel with the right to farm, I think the farm has the first right. I guess because it's a conditional use permit, the condition part of it is the fact if it is getting into a bind we can pull the permit. I hate to really stop. This isn't the only facility in Franklin County that is alongside agriculture that is publicly used. We have wineries right alongside fields that have functions.

Ron Reimann asked how many airports do you have that sit alongside -- If it was a mercantile store there or something, you could have a problem. You've got an airport. It's a little bit different when people are driving there to buy food than an airplane taking off fully loaded with chemical. I don't see how you can compare those two. It's a totally different type of business.

Mr. Koch said I'm having personally a hard time understanding how an airplane taking off --

Reid Reimann asked if your daughter's getting married and you have a reception with 200 guests and it's, say, 50 yards away -- They use my yard for a reference whether it's for cherries -- If that takes off during your event, you're not going to be overly happy.

Mr. Koch said that's my first concern. That's one of the reasons we're here today. After looking into it further and reading what was going on, I feel if a person is going to come and look at that site, they're going to know there is a possibility of a plane taking off.

Ron Reimann said that doesn't preclude them from making a complaint with the Department of Ag if a person gets sick. In the minutes of the Planning Commission, an airplane took off from Hermiston and four people got sick and they were flying grass seed. If that's some of the reason for the laws is that airplanes are the most visible thing

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-- Ag is the most regulated industry in the US today, surpassing even mining. My concern is can you stop that lady wanting to come next to us now with her bed and breakfast? If you don't deny this, how can you deny her? Mr. Koch asked was there a bed and breakfast applied for? Ron Reimann said she never applied; we took care of that.

Mr. Koch said our time is up.

Ron Reimann asked if this is approved, is there an appeal process we go through? Mr. MacPherson said there is an appeal process in the state statute to Superior Court.

Mr. Koch said I have no more questions. I would entertain a motion for #4, to approve the permit with the addition of the condition of the right to farm.

Mr. Miller said from what it sounds like, we've got to come up with a motion here. My first thought was also adding the condition of right to farm because of a protection but I'm a little leery of that because what does it really mean? If you've got a right to farm, can a jet take off? I don't think it's strong enough -- Here's the problem I have with the whole situation: You've got an airstrip that's been there for awhile. As they fly, if this business gets any kind of fine against them, they're out of business. It puts a bad mark on the other farmers, too, so I'm really concerned about how we handle it at this point. I think it's going to set more precedence in the future for where these things will go. I'm not against any bed and breakfast but I do want to protect agriculture out there. We have a hard time now with the way things go.

Motion – Mr. Miller: I would like to make a motion that we approve the conditional use permit with the Planning Commission's positive recommendation with the modification that the approval does not include outdoor banquets, receptions and wedding activities and the conditions of approval would have to be adjusted according to the approval of CUP 2007-17 subject to six findings of fact and 12 conditions of approval.

Mr. Koch said I can't second that because of the fact that it's not going to make any difference if you have a bed and breakfast and not a wedding or if you had a wedding and not a bed and breakfast. You've got the public on that facility.

Mr. Miller said they're not exposed to the outdoors though. They're inside the bed and breakfast.

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Mr. Koch said they aren't going to be inside every moment they're there. You've got the pool in the back. They're going to be functioning around the yards.

Mr. Miller said just like the people living there will be. The pilot has to watch for the people that are out there. Even if these two are out there –

Mr. Mullen said I don't think they're going to worry about whether there are people in our backyard or not. Basically the pilot can't even see them before taking off. They're not talking about spraying. They're talking about taking off and landing.

Mr. Miller asked so you don't think there's any reason for the pilot to have any reason not to fly if he sees a group of people out there? That won't happen?

Mr. Mullen said I certainly don't think so. Mrs. Mullen commented (inaudible).

Mr. Mullen said we have no intention of stopping that pilot from flying. Mrs. Mullen said that's our livelihood. Mr. Mullen said we would quit if it came to that. We'd quit holding wedding receptions there. We have no intention of hurting Jerry Titus one iota. Mrs. Mullen commented (inaudible).

Mr. Miller asked if it's correct that we can revoke these permits at any time, because I was going to put a statement of maybe two years. Mr. MacPherson said the ordinance allows the commissioners to hold a public hearing and revoke the CUP but it would have to be substantiated. You have to have a reason. Mr. Koch said you can't do it just because you want to. Mr. Wendt said you can also ask that they come back in a certain timeline to evaluate to see how the conditional use permit has been going.

Mr. Miller said I think we do need to have that written in the CUP because if we don't have that written in the CUP we will never know unless it's out in the newspaper or something; is that correct? Is that what you're saying?

Mr. Wendt said if you were to approve it, you could put a timeline and say come back in X amount of time and reapply for a new conditional use permit to evaluate the site, the use, and is it still compatible with the neighboring properties.

Mr. Miller asked what happens if Mullens sell this? Mr. Wendt said the CUP is transferable at that site as long as the new owner accepts those conditions as well.

Mrs. Corkrum said I thought it said it wasn't transferable. Mr. MacPherson said you

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can't take this permit and move it to another site. It's land use approval for that specific location. It is transferable to heirs and assigns.

Ron Reimann asked if the Commissioners have listened to the Planning Commission meetings. (Mr. Miller indicated he had.) Mr. Reimann asked do you feel that there was a proper discussion about the tax laws and mixing of business and not identifying the chemical storage and not addressing the concerns of Flo Sayre? Do you think that was a real discussion from the Planning Commission? Are you comfortable with that?

Mr. Miller said I was surprised that Flo Sayre brought it up and there wasn't any real discussion following that from the Planning Commission.

Mr. Wendt said compatibility wasn't something that was discussed a whole lot at the Planning Commission meeting. The staff's initial reaction with this was we were excited it wasn't going to impact someone's house in west Pasco. In retrospect, I don't think we probably looked at the compatibility issue as closely as we should have. The Planning Commission did not delve into that issue in depth.

Mr. Miller asked Ron Reimann, what are you really afraid of if this passes? Ron Reimann said we've already got an incident about two miles north where a gentleman drove through an end gun and got sick even though it was pure water, not chemical. He got sick, thinking it was chemical. Now that person is involved in the re-registration of Vapam. If it's up to that man, you will not be able to fumigate within 500' of that house. These things are all very real. When you allow the general public -- It's no different than allowing the general public in my field.

Reid Reimann said what I see is a facility that is perfect for what she wants to do but I see it as being in the wrong location, in other words being in the Open Spaces Act, next to an airstrip being a business serving more acres, next to a seed company serving more acres -- It's the right facility in the wrong place.

Tracy Mullen said end guns hit the road all over the place, not just on the P-K highway. Mr. Koch said illegally, may I add. Mrs. Mullen said it has no bearing on our particular facility.

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Mr. Miller said I know Randy and Tracy are good farmers. It's not you guys I'm worried about.

Randy Mullen said if that airstrip is doing everything within the law, we shouldn't have a problem. If there's something going on there that none of us are aware of, then it needs to be brought up. He said that's starting to become one of our concerns: Is there something there that shouldn't be there? The facility appears to be very well kept and very, very clean. It appears to me that they're doing everything under the law. That being said, I don't see why there should be a problem.

Mr. Miller said I take this decision from my heart. That's how I feel, because I farmed. It's not because of any decision on people or farms. This makes it harder as a farmer to allow. Basically I think it takes some of the rights. We do have this condition of a right to farm.

Randy Mullen said we certainly have no intent -- If there is nothing that happens there that I don't have the same protection as a homeowner -- There's nothing there that will prevent them from doing anything that they can't already do being the fact that I have a home there. We're not changing any of their regulations. The bed and breakfast is not requiring any additional requirements that we aren't entitled to have as a homeowner living there. My kids are there 24/7. We'll have some guests there a few hours on a weekend. Is there something going on there that's endangering those 200 guests? If we put it down to manhours, our family is there a whole lot more hours than if you took the guests and added per person per hour, which is what it would do if it got to a scientific equation. We're not asking the airstrip to do anything different.

Motion - Mr. Miller: I will move to approve the CUP and add the condition of the right to farm with the addition that we review this in two years.

Mr. Wendt read some proposed language for Conditions of Approval 15 and 16 relating to right to farm and reapplication.

Second by Mr. Koch. 2:0 vote in favor. Abstain: Mrs. Corkrum. This is Resolution 2008-074.

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Mrs. Corkrum asked to make a comment. She said if there is somebody at a gathering and the field northeast on Carr Road is sprayed the day of or even the day before, and somebody comes to this facility for a wedding reception or a retirement party or whatever, what happens if somebody gets sick and would get hold of a lawyer? They'll come after the county because we've issued the conditional use permit. They're going to bypass the owner.

Mr. Miller said I looked into that and that's my big concern and why I was opposed to it.

Mrs. Corkrum said I don't have a problem with a bed and breakfast but I don't think it's proper in this location. But like I say, I'm waiting till after you voted and approved it and the reason I recused myself is because I didn't want to be viewed as going against the family that's doing it.

MINUTES

Motion - Mrs. Corkrum: I move for approval of Commissioners proceedings for February 11, 2008, a bi-county meeting with Benton County Commissioners of February 11, 2008, and February 13, 2008. Second by Mr. Miller. 3:0 vote in favor.

VOUCHERS/WARRANTS

Motion – Mrs. Corkrum: I move approval of Franklin County Road fund payroll of \$73,412.10 and Public Works Payroll Fund of \$10,980.77. Second by Mr. Miller. 3:0 vote in favor.

OTHER BUSINESS: Auditor Zona Lenhart left a copy of draft Commissioner district boundaries with the Board.

Adjourned at 11:39 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 25, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed February 27, 2008.