

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for March 23, 2009

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

LOBBYIST

Lobbyist Jim Potts talked with the Board by telephone about current legislative issues.

JAIL FUNDING

The Board decided that Mr. Koch will talk with Erik Johnston, a liaison for the National Association of Counties Ag and Rural Affairs Committee, to find out if there is any jail funding available in the Farm Bill and/or through community housing grants.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Consent Agenda

Motion - Mr. Peck: I move approval of today's consent agenda including one item as follows:

1. Approval of **Resolution 2009-113** authorizing the reduction in the Petty Cash Fund for the Information Services Department from \$400 to \$200 and authorizing the Franklin County Treasurer to deposit cash in the amount of \$200 into the 2009 Current Expense Information Services Budget, Number 001-000-350, utilizing BARS 369.90 (Other Miscellaneous Revenue).

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

Tri-City Herald Reporter Joe Chapman and Information Services Director Kevin Scott joined the audience.

Vouchers/Warrants

Motion – Mr. Peck: I move approval of 2009 vouchers for March 23, 2009, in the total amount of \$80,279.54: TRAC Operations Fund warrants 14664 through 14680 for \$56,412.00; Courthouse Renovation Fund warrant 14681 for \$446.75; Courthouse Facilitator warrant 14682 for \$154.20; Crime Victims/Witness warrant 14683 for

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\$5572.03; Franklin County RV Facility warrants 14684 through 14692 for \$8392.18; Law Library warrants 14693 and 14694 for \$5693.64; and Veteran's Assistance warrants 14695 through 14701 for \$3608.74. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 1)

TRIDEC

Mr. Scott showed the Board a copy of the proposed drawing for the county's plaque that will be displayed at TRIDEC. Mr. Scott said so far everybody else has done black and white plaques. The cost would substantially increase if it is done in color.

Mr. Peck asked if this was discussed and approved last year. Mr. Koch and Mr. Miller said yes. Mr. Miller said the \$5000 cost was approved previously to put the plaque on the donor wall. Mr. Peck said the commitment to purchase the space is already made. We are just looking at the logo. Mr. Miller said yes. Mr. Koch said he and Mr. Bowen looked at the location on the wall.

Mr. Scott said the logo was created several years ago for a display at the Ben Franklin Transit Center. Mr. Peck asked if the detail in the plaque is consistent with the other plaques that are going to be there. Mr. Scott has not seen the other plaques. He said typically a lot of detail will be lost in going from color to black and white.

The Board reviewed the color design and the black and white design. Mr. Koch said the black and white design needs to be edited to take some of the shadows out.

Mr. Peck said he thinks it is appropriate that it be consistent with the other plaques that are there. He doesn't know how we can make a decision without knowing if the other plaques are black and white or color and the level of detail in the other plaques. Mr. Bowen will look at the other plaques at TRIDEC today. The Board **gave Mr. Bowen authority** to make the decision.

Groundwater Management Area (GWMA)

Mr. Peck said GWMA has asked us to send a representative to Olympia April 2 and 3 to attend informational meetings to continue to push for funding for hydrologic testing based on hydrologic models that have been used over the last several years. It is a request for \$2.5 million. Mr. Peck asked, because he has made a point of the fact he thinks we need to be prudent in our travel expenditures, would the Board like him to

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pursue going to Olympia on April 2 and 3 to promote the GWMA initiative or is it not a high enough priority at this time?

Mr. Miller said there are some important things we have to do and that are an advantage to our county. I think that's one of them. I would be in favor of a representative going to GWMA.

Mr. Koch said very much so. Part of the statement is correct, that there may be no money available, but on the other hand the issue has to be kept in the forefront for when money becomes available.

The Board had **consensus agreement** to have Mr. Peck attend. He serves on the GWMA Board for the county.

Tim Fife joined the audience.

Washington Counties Risk Pool (WCRP)

The Prosecuting Attorney's office has requested Board input regarding a request from WCRP about areas of improvement of the compact compliance audit.

Executive Sessions

Mr. Peck said last week there was an editorial opinion in the Tri-City Herald regarding the state legislature and the open public meetings act and interest in having executive sessions recorded and subject to judicial review. It referred to local and county officials as being opposed to it. From a state lobby level, that may have been true.

Mr. Peck said I just want to get in the minutes that speaking for myself, I don't have any concern or issue about executive meetings being recorded and being subject to judicial review. In fact, I think it's probably a good thing. Open transparent government is appropriate, something we ought to be striving for all the time. He asked Reporter Joe Chapman if he is willing to share Mr. Peck's opinion with the staff at the newspaper.

Joe Chapman said another option that Mr. Peck could do is if you want to submit anything to the editorial department, that might be a way to get a message out there.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Joe Chapman and Tom Kay.

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2009 Vehicle purchases

Mr. Fife said all the vehicles listed today are in the 2009 capital purchase budget. They are all available on the state contract. However, we're allowed to purchase directly from a local dealer if the price is less. In this case there is a slight savings by purchasing locally.

2009 Chevrolet 1500 4x4 pickup for Sheriff: Mr. Fife asked for approval to purchase from McCurley Chevrolet for \$26,086.30 including tax and license.

Motion – Mr. Peck: I move approval of the request to purchase one new 4x4 extended cab pickup, request from Tim Fife and Public Works. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2)

Midsize 2009 Chevrolet Colorado 2WD: Mr. Fife asked for approval to purchase from McCurley Chevrolet for \$16,088.67 including tax and license. We're downsizing our pickups where we can, trying to save on fuel and costs. This pickup would be used by a grader operator. Mr. Fife described where the vehicle will be used. The cost is lower than the state bid.

Motion – Mr. Peck: I move approval of the purchase of one new mid-size 2-wheel-drive pickup. It's replacement of ET-1612 as identified in the Public Works '09 capital budget. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 3)

2009 Crown Victoria Police Interceptor: The capital budget fund calls for purchasing three police vehicles. We're going to rebuild two of those but there is a reserve car that typically we pass used vehicles down and one is sent to auction. That's why we're purchasing one new one. It is available from Legacy Ford for \$25,738.48 including tax and license.

Motion – Mr. Peck: I move approval of purchase of one new 2009 Crown Victoria Police Interceptor, a request from Public Works on March 23, 2009. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 4)

Security System for Public Works Office Building

Mr. Fife has received some quotes for a security system for the Public Works Office Building and yard from the same company that provided equipment at the

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Courthouse. The bid for the office building is low enough to go ahead. It is from a sole source provider. It involves putting a security system on the Public Works Office Building door and provides some security from motion detectors inside when we're not there. It's just for our office building and the back gate into the yard.

Motion – Mr. Peck: I move approval of purchase of security system for the Public Works Office Building in the amount of \$5530.39 from Advanced Protections Service. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 5)

Wheat Growers Association request regarding weed spraying

Mr. Fife said we're going to form a county-wide advisory committee. Mr. Peck said the letter came from Kurt Harder of the Wheat Growers Association and he called him personally. Mr. Miller will write a letter of reply. Mr. Fife said it might take awhile to get the committee in place. The paperwork will need to be reviewed by the Prosecutor's Office before starting the committee.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Tom Kay, Joe Chapman, John Ziobro, Janet Johnson and Steve Johnson.

ATM

Mr. Bowen said Facilities Director Chris Giles asked if the Board would be interested in having ATMs placed in the Public Safety Building and at the jail. Mr. Bowen feels it would be an advantage. People don't want to pay cash in certain situations at the court or at the jail. He asked if the Board thinks it's a good idea. If so, we'll look into it a little further.

Mr. Koch does not have a problem at all looking into it. Mr. Miller said I don't have a problem looking into it. I'm not in favor of doing it now but maybe if we look into it, maybe it would answer some questions I would have. Mr. Peck said I'm not in favor of looking into it if we're not at least initially disposed to say it's a good idea. Mr. Miller said that's what we're saying, it's an idea. He has some questions.

Mr. Miller said some of his questions are what does it cost and what would it provide. Mr. Bowen said the county would receive a fee for having an ATM placed in

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the building. It's per usage but he does not know what the rate is. His understanding at this point is there is no cost to the county. Mr. Miller asked who takes care of the machine? Mr. Fife said they do. Mr. Miller said then I don't have a problem with it. My questions were what would it cost the county, what it would take for repairs. If it's not a burden to us, I guess it's an advantage to the people. Mr. Bowen said that is his understanding at this point, that there is no cost to the county.

Mr. Peck said while I don't think there's an issue with competing with local business, it is a revenue-generating business probably for stores on either side of us, so if you would, just be sensitive to that. It doesn't seem like there would be enough dollars involved that it's really a concern.

Mr. Bowen said basically we would be providing a business for a businessman, too, at the same time. The ATMs are not county-owned.

Mr. Peck said he expects the county would get a share of funds from each transaction. Those are funds that a local business might get if the transaction happened in their store instead of the Courthouse. He asked Mr. Bowen to keep that in mind.

Mr. Peck said his other question is where are you thinking any proceeds from that should go? Mr. Bowen said he thinks they would go into the general fund.

Mr. Miller said the convenience is why we would have it there, not for a money-making proposition. Mr. Peck said I understand.

Recessed at 10:16 am.

Reconvened at 10:30 am.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson, Assistant Director Greg Wendt and Planner Jeremy Underwood met with the Board. Present in audience: Joe Chapman, John Ziobro, Steve Johnson, Janet Johnson, Tom Kay and Frankie Erickson.

Closed Record Public Hearing: Conditional Use Permit CUP 2007-15. The Franklin County Board of Commissioners will consider an appeal of the Franklin County Planning Commission's recommendation of approval for an application by Thomas Kay. The appeal was filed by Janet Johnson. Conditional Use Permit (CUP) 2007-15 (remand by

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Superior Court) is an application to operate a garden nursery establishment (flowers, shrubs, grasses, etc.) in the Residential Suburban 20,000 (RS-20) Zoning District. The property has a total land size of approximately 10 acres.

Public Hearing convened at 10:31 am. Present: Commissioners Rick Miller, Bob Koch and Brad Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman, John Ziobro, Steve Johnson, Janet Johnson, Tom Kay, Frankie Erickson, Tim Fife and Dan Blasdel.

Mr. Miller gave the rules of the hearing.

Mr. Wendt reviewed the Action Summary (Exhibit 6).

Mr. MacPherson showed on the screen a copy of an aerial photograph with the site identified. He showed a site plan that was provided by the applicant of the site improvement area portion. He pointed out the entrance and exit areas. He identified other parts of the site improvement area.

A Power Point presentation was given reviewing history of the application (Exhibit 7).

Mr. Wendt reviewed the Summary section on the Action Summary. Findings of Fact #5 and #6 are listed, as well as information stating whether or not this proposal is in compliance with #5 and #6.

Mr. MacPherson said as remanded by the Court when we look at #5 and #6, we're required to review whether or not the proposed activity is more objectionable to permitted uses in that zoning district. When we look at it for Finding of Fact #5, we're required to review whether or not the operation in connection with the proposal would 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. Mr. MacPherson said that is permitted uses that we had to review against. The only outright permitted uses within the district are single family residences and their customary accessory uses and also gardening and fruit raising.

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Also, for Finding of Fact #6, we are to look at whether or not the proposal will endanger the public health or safety if located and developed where proposed or in any way will become a nuisance to uses permitted in the district.

Mr. MacPherson said the information was sent for review and agency comments were received from the Health District, both the Community Development Department and the Engineering Department from the City of Pasco, and a traffic analysis was completed by the County Road Engineer Mr. Tim Fife.

Mr. MacPherson reviewed the Planning and Building Department's recommendations regarding Findings of Fact #5 and #6, showing the Power Point slides on the screen.

Mr. Wendt reviewed the conditions of approval in the Action Summary.

Mr. Miller invited the appellant or a representative to speak.

John Ziobro, 1333 Columbia Park Trail, Richland, Washington, attorney for Janet Johnson, gave his statement.

Janet Johnson gave her statement. Mr. Miller stopped her because of time. Ms. Johnson asked to give the Board some pictures and other documents. Mr. Ziobro said the pictures were taken from Ms. Johnson's window. Mr. Miller said we're going to have the other side speak prior to considering whether to look at the pictures.

Mr. Miller asked the opponents to the appeal to present their arguments.

Tom Kay, 1023 Riverside Drive, West Richland, gave his statement.

Frankie Erickson gave her statement, including comments about the location of the irrigation water lines.

Mr. Miller asked if the commissioners have any questions or comments.

Mr. Koch asked Mr. Kay about the size of his parking lot at the former Flower Farm location on Court Street. How many vehicles could you put in there in an orderly manner? Mr. Kay said that particular location could hold up to 18. Mr. Koch said I was thinking it was quite a bit smaller than this proposal.

Mr. Koch asked if the property in question was a vineyard originally. Ms. Erickson said yes. Mr. Koch asked so pesticides and herbicides have been sprayed

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for years in there and there has been equipment running in that 10 acres for years?

Ms. Erickson said yes. Ms. Johnson said I never complained. Later they grew pumpkins and watermelon. I never complained. This is different.

Mr. Miller said I think you explained my one question which is why you can't move the parking lot south.

Mr. Peck said let me start with a disclosure. I currently hold a special use permit from the City of Pasco for a property I own so I have previous experience with special use permits. I don't think it in any way prejudices my judgment here. In fact, I think it gives me special insight that maybe others might not have. For the record, that permit is for the Moore Mansion Events Center.

Mr. Peck asked someone to show him on the map where the irrigation mainline is located. Mr. Kay pointed to the map on the screen. He said there is a telephone pole right in the center of the property and the mainline is just to the edge of that pole. It goes north and south, paralleling the road. Mr. Peck asked if it is within 10 or 15 feet of the road. Ms. Erickson said it closer than that, it's not even 10 feet.

Mr. Peck said the primary beneficiaries of this proposed action would be the landowner which I presume is Ms. Erickson and the secondary beneficiary or maybe equal beneficiary is the Flower Farm.

Mr. Peck asked to go back to Finding of Fact #5 in the Power Point presentation. Mr. Peck asked both parties to share with him their view is of what they think the term "flashing lights than would be the operation of any permitted uses within the district" means, specifically keying on the word "any." He said my premise is are we asking is this more impactful or objectionable than the worst case scenario allowed under permitted use, or are we asking impact based on any permitted use, the difference being that one of the permitted uses would be to leave it in its natural state. The other interpretation would be its most intrusive permitted use? So I'm asking Mr. MacPherson which standard are you using and then I'd like to know what both parties think.

Mr. MacPherson said there are two specific permitted uses listed within the district and that's single family homes and then gardening and fruit raising. Mr. Peck

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asked so leaving it in its natural state is not a permitted use? Mr. MacPherson said it is not specifically listed. It's inherent that it is, as long as it meets fire code standards. He said it depends on how you look at it. It could be viewed that the property in question right now is more in the state of pasture.

Mr. Peck said so we're interpreting permitted uses as a use that requires a permit.

Mr. MacPherson said permitted use is the term that specifically allows outright an activity, permitted without exception.

Mr. Peck asked so if a use is allowable in that location without a formal permit, is that a permitted use? Mr. MacPherson said correct. Mr. Peck asked if either side wants to comment.

Mr. Ziobro said under the county zoning code, permitted uses in RS-20 are one single-family dwelling and then the use of gardening or fruit raising. That is your baseline. I will say leaving it in a natural state is not the baseline. I think baseline is residential use. Here you have a business that has deliveries, customers, traffic, the need to put down gravel to prevent dust, and those are the things that when you're looking at that criteria, we suggest to you the Flower Farm is more objectionable than a residential home and the only scenario that the staff came up with to kind of rebut that is, say, well, we could plat this and put 18 homes in the area. Ironically if we did that, I'm pretty sure the irrigation line we're talking about would be moved. The other thing about that irrigation line is you would probably engineer it so you could drive over it and still have access to it. Our position is is the Flower Farm more objectionable than a residential and the answer is yes.

Mr. Peck said I appreciate your comments. He asked if Mr. Kay wants to speak.

Mr. Kay said the reason I had to get a conditional use permit was the fact that my application was not allowed. On this particular property that has been agriculture, I can grow trees, shrubs, flowers, whatever I want. I simply am denied the permit of the process of selling it to the public. So that's why I have to get a conditional use permit. Reflect on the fact that even the city planner brought up the fact that one of the conditional uses of this particular property is an agricultural reflection of growing animals

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and they cited how many horses and cows and on and on to the redundancy of chickens. The point is that a lot of people find the smell and flies of cattle to be objectionable. Other people would find all kind of fault with practically any application. But in this specific case we had to go through the conditional use permit to go outside this and that's why we are under a lot more scrutiny, under a lot more stringent concerns. But all that was addressed in the whole process starting in 2007. Supposedly what we're back here readdressing is the fact that the Superior Court judge did not feel comfortable with the amount of record that was presented for Findings of Fact 5 and 6 which is the ones we're talking about right now, which are indeed kind of different. But is it really more objectionable than other permitted use? Only because I happen to have a cash register. So I have to get a conditional use. But will I be more noisy, will I create more fumes, do I have flashing lights? I'm a garden center. Come on. There is no nuisance compared to perhaps horses and cows. It's just the fact that what I do basically – I am still considered by the state as well as by the Federal government as an agricultural person. I have an animal farm. It's just the fact that in this situation I have to have a conditional use permit because I want to sell directly to the public and I will have customers. And so we go through a conditional use permit process. But to go ahead and go far, far afield I think is really a disservice. But I really want to touch on the fact that there has not been a complete lack of communication between Mrs. Johnson and myself.

Mr. Peck said after hearing what both sides have said and having read through the package, I'm still focused on "would be the operation of any permitted use." I think the literature that I'm seeing in the record compares the proposed special use permit to the worst case for a comparative analysis as opposed to comparing it to the least intrusive permitted use which would be a single family home.

Mr. MacPherson said our analysis was on the residence, single family residential, full build-out of said parcel.

Mr. Peck asked why we compared to a full build-out as opposed to one single family home which would be a permitted use since it says "operation of any permitted use."

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Mr. MacPherson said we took the worst case scenario because the RS-20 zone allows people to apply for subdivisions at half-acre standard.

Mr. Peck said so you would interpret "would be the operation of any permitted uses," you would read that as would be the operation of the most intrusive permitted use since there are multiple levels of permitted use. How do we decide which level to compare to?

Mr. MacPherson said we took it at full build-out because that's what the property allows. That's just the position we took.

Ms. Johnson read from Chapter 14, RS-20 suburban zone.

Mr. Miller asked if there are any more questions.

Mr. Koch asked Mr. Fife what his thoughts would be about dropping the speed limit to 35 along Road 68 north of Court.

Tim Fife said ultimately that's probably what's going to happen as far as speed limits as we see more accidents. He has had a number of calls from the appellant in past years asking us to reduce the speed limit. However, when we do an analysis there are not enough accidents or enough things happening to justify it at this time, because we set it at the 85th percentile of what people are driving out there and then look to see if there are too many accidents occurring. If it is, then we consider reducing the speed limit to 35. It's coming but he can't tell you when it will happen. As it develops, it will come.

Mr. Koch asked would that mitigate a center turn lane? Mr. Fife said it would reduce the rear end accidents from people turning left and ultimately that's what would happen over time as that traffic grows as we go to 35 first if there is no center turn lane. Mr. Koch asked can we request that be dropped to 35? Mr. Fife said you ultimately set the speed limits in the county. All he does is a report that justifies it or tells you it is not justified.

Mr. Peck said his experience with traffic and speed limits in other communities is that the public tends to drive at a speed with which they're comfortable, unfortunately oftentimes without regard to the posted speed limit. He does not think a 35 mile per hour speed limit sign would make it safer. What might be helpful would be perhaps a flashing light as we've done at other hazard areas to say caution, turning traffic, or something of

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that nature to give people additional awareness that there's something different about this stretch.

Mr. Peck asked if the irrigation mainline is in the utility easement. Ms. Erickson said the mainline for the irrigation district is in the easement. Her mainline runs east and west, right by the light post. At Mr. Peck's request, Mr. Kay showed where the east-west line runs. Mr. Peck said it is pretty much at the center line of the property. Ms. Erickson said correct. Ms. Erickson described the distances on the irrigation line, 55 feet between lines with 13 sprinkler heads on each line.

Ms. Johnson answered Mr. Miller's question about access points to her property.

Mr. Peck said he walked the property with the owner's permission to get a sense of the property owner's view from windows of the house.

Mr. Peck asked Mr. Fife on the turn lane question, is there space on Road 68 laterally for a turn lane to be installed? Can you give me an informal assessment of what that would take? Mr. Fife said we do have right of way for the most of the area there is – most of that, we do have the right of way, and even if we didn't, additional right of way could be granted to accommodate it. It is not an issue as far as right of way. Physically there is room.

Mr. Peck asked for a ballpark figure, a rough estimate, about how expensive it is to put in a turn lane. Mr. Fife said it would probably take 700 to 800 feet in both directions for a transition back into two lanes. It depends on how you do it. If all the widening is done on one side, it would be less expensive. He estimated it would probably cost \$20,000 to \$25,000 but is not sure.

Mr. Peck asked Mr. Kay if a turn lane were a requirement, how do you perceive that would impact your ability to move forward? Would that be a show stopper as they say for you?

Mr. Kay described some of the expenses he has had to pay already.

Ms. Johnson asked if more can be put into the record. Mr. Wendt said the record is closed. Mr. Ziobro told Ms. Johnson that the materials she wanted to submit are

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already part of the record. Mr. Peck said we've received a complete record. Ms. Johnson said it leaves out most of the records. It's representative perhaps but not complete.

Mr. Peck asked Mr. Fife if this were built out as single family residences, the whole remaining 9-1/2 acres, would we require a turn lane? Mr. Fife said no, we would not. You typically don't require it.

Mr. Peck asked what if it were built out and you saw problems later? Would you consider it? Mr. Fife said yes.

Mr. Peck asked about suggesting that a turn lane is not immediately required but if we saw an increase, it would be required later. Mr. Fife said that would probably be the most reasonable way to approach it if you were going to require one.

Mr. Peck said as I look at it and understand where we are in the process, any further comment from the parties is through? Mr. Miller said yes.

Mr. Peck said it's pretty clear that the people that are benefiting are the landowner on the south and the Flower Farm. My concern over anything that might impact their comfort, convenience, expense, is secondary to the impact on the neighbors who do not as I can tell benefit from this action in any way. I understand the concern about the east-west irrigation line and also understand the one that runs along Road 68. I'm curious why it wouldn't be more fair and equally practical to move the proposed site southward to where it abuts not the appellant's home but the landowner's home, realizing that would put it south of the east-west mainline and realizing it's not a difficult matter to bridge the irrigation line. He said he understands the land is not as flat on that portion and there is some slope.

Mr. Koch said I had thoughts of asking to bring it south but just not build anything structural over the center mainline so it could be accessed if needed. Mr. Peck asked how would that look? The north edge of the improvement area would be located roughly at what we see as the current south edge? Mr. Koch said in that general area.

Mr. Peck said just move it the full width southward so it would essentially straddle the east-west irrigation line. Mr. Koch said leave it open, nothing permanent.

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Mr. MacPherson said his office prepared a drawing of a similar proposal. He showed it on the screen. Mr. Peck said this is not at all what I was proposing. Mr. Koch said it is what I was proposing.

Mr. Peck said he still has a concern that this is above the center line of the property. Look to who benefits and who is impacted. I feel quite strongly that this needs to be moved southward as much as possible to minimize as much as possible the intrusion on the non-benefiting neighbor to the north and if it intrudes on the property owner to the south, that's unfortunate, but because that's who's benefiting it's more appropriate that impacts be moved. He would advocate moving it down nearly to where it is adjacent to that southern property.

Mr. Miller said I agree with some of this but I'm also looking at the safety. If you move it down, it's hard to tell which entryways are involved on the other side of the street when you turn in. Mr. MacPherson showed access points to property on the east side of Road 68 on the screen.

Mr. Miller asked if there was any more discussion. There was no response.

Mr. MacPherson said some of the conditions for site improvement area were a part of the original permit issued in 2007.

Mr. Peck said any motion I would make today is not intended to repeal what was previously approved in the conditional use permit. He mentioned the arborvitaes.

Mr. MacPherson said the arborvitaes were required on the north property line. Are you moving the arborvitaes with it or leaving them along the property line?

Mr. MacPherson said we can assist you with numbering the conditions or any clarifications.

Motion – Mr. Peck: I would move that we approve the appeal request with the following specifics incorporated:

That would be that the northernmost boundary of the site improvement area be no less than 200 feet from the adjoining property on the north owned by the appellant and that any requirements in existing use permits be honored and adjusted as reasonable, specifically speaking to the arborvitaes which could be brought to the northern edge of

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the property for visual screening -- a clarification, to the northern edge of the site improvement area for visual screening;

and that the county monitor traffic data for this stretch of Road 68 for a period of one year following opening of this proposed activity to the public and if a significant increase in traffic accidents should take place, significant being design or described as more than a 15% increase by statistic, that the owner of the Flower Farm operation be obligated to install at their expense the minimum required turn lane facilities for traffic approaching from the south to further enhance safety in and out of site improvement area.

Mr. MacPherson asked for clarification if this would be a modification to the Condition of Approval requiring a turn lane. Mr. Peck said yes.

Mr. MacPherson asked for clarification, is this granting the appeal in part? Mr. Peck said yes.

Second by Mr. Koch for discussion.

Mr. Miller said he is wondering if a year isn't enough with the new school opening. After discussion, the Board members agreed with one year from time of opening.

Mr. Koch said he is having a hard time with the figure of a 15% increase from the previous year. He would hate to put a number on it. Mr. Fife responded to a question about standards for roads at certain speed limits. Mr. Fife said he agrees that one year is not long enough to get a good feel. It depends on what caused the accident.

Mr. Peck would be willing to consider a friendly amendment to remove that portion, but any standard needs to be clearly defined.

Mr. Peck said he would like to at least require some sort of flashing warning light approaching from the south, cautioning people that it's a high traffic or turning traffic as an additional safety measure to be paid for by the applicant. He does not think a flashing light is needed from the north.

In response to Mr. Fife's question, Mr. Peck said a flashing light would be turned on at the time the business is operating.

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Mr. Fife responded to Mr. Bowen's question about standards for roads at certain speed limits.

Mr. Peck asked if the other commissioners would be willing to consider a friendly amendment to remove the one year requirement, but stated any standard needs to be clearly defined.

Mr. Koch said I would work with that amendment.

Recessed at 11:54 am.

Reconvened at 12:02 pm.

Mr. Peck said, Mr. Chairman, we have a motion on the table and it has been seconded and we've gone into discussion. While we could go through a process of withdrawing this motion, I would prefer to keep the motion on the table and ask my fellow Commissioners if they wish to amend any portion of this motion currently on the table. As I understand there's a concern about the percentage increase.

Mr. Miller said yes, there is, and maybe the time length of it. It is hard for me to put a length on it. He talked about the three accidents in the last ten years, saying two were at opposite ends of this and had nothing to do with this kind of situation. He is not familiar with the third one.

Mr. Peck said if that's your concern, that's a large portion of the motion, and for the sake of clarity and at your request I will request that we withdraw my original motion and request that the seconder do the same and I will restate it for the record.

Mr. Koch agreed to withdraw his second. The motion died.

Mr. Peck said before making another motion I'd like to get consensus from my fellow commissioners that the portion that speaks to 200 feet from the adjoining property to the north is acceptable, that the requirement to comply with existing conditional use permits is acceptable, and as for the traffic piece we would simply require installation of a flashing traffic light during any time the business is open to the public.

Mr. Koch said I would support that.

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Mr. MacPherson said when you speak of site improvement area 200 feet south, is it your intent to have the site plan that was approved comply substantially with placement of rose beds and other planting areas?

Mr. Peck said I can speak to that in the motion.

Motion – Mr. Peck: I move approval of the appeal request with the following specifics incorporated: The northernmost boundary of the site improvement area shall be no less than 200 feet from the adjoining property on the north owned by the appellant and that requirements of existing use permits be honored including specifics such as arborvitae for visual screening on the northern edge of the site improvement area and that the project proponent be required at their expense to install a flashing traffic safety light on Road 68 from the southern approach to the improvement area warning of increased traffic activity or turning traffic, whichever is appropriate in the opinion of our Public Works Department, and that that light should be operational any time during which this business is open to the public. Second by Mr. Koch. 3:0 vote in favor.

Mr. MacPherson said we will incorporate the modifications in the resolution.

Mr. Ziobro said staff asked Mr. Peck about the site plan and the location of the building and I think you said you had a comment about that. I'm not sure we heard it. I just want to make sure we understand the county's position.

Mr. Peck said thank you. They did ask and I did say I would and then I did not. It was my oversight and I apologize.

Mr. Peck said my intent was to add language that said we would allow the proponent flexibility in their design plan to give them opportunity to avoid placing a permanent structure over an irrigation line and that would give them the flexibility to move their sales building a little north or a little south but only to the extent needed to preclude building over the top of that line.

Mr. Koch and Mr. Miller both said that was our intention. Mr. Koch said to keep the structure from being built over the east-west line.

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Mr. Ziobro said he thinks if you make that a condition of approval and so long as it's in the record, technically the county staff could appeal it, Ms. Johnson could appeal it, or the proponents could appeal it.

Mr. Peck asked Mr. Ziobro if he feels a need for more formal action than the consensus of the Board reflected in the minutes. Mr. Ziobro said from my point of view, I think you've made a sufficient record. I just wanted to make sure it was in the record.

MINUTES

Motion – Mr. Koch: I make a motion to approve Commissioners Proceedings for March 4, 2009, and March 18, 2009. Second by Mr. Peck. 3:0 vote in favor.

Adjourned at 12:13 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until March 25, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed March 30, 2009.