Commissioners' Proceedings for June 19, 2013

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 Robert E. Koch, Chair Pro Tem; and Brad Peck, Member; Fred Bowen, County Administrator; and Margo Hines, Pro Tem Clerk to the Board. Rick Miller, Chairman, was absent on county business to participate in the Columbia River Policy Advisory Group Meeting (CRPAG).

Meeting convened at 9:01 am with the Pledge of Allegiance.

PROSECUTOR

Deputy Prosecutor Ryan Verhulp met with the Board.

Public Hearing: Moratorium on Medical Marijuana Collective Gardens

Pursuant to RCW 36.70A.390, the Board of Franklin County Commissioners adopted an Ordinance No. 5-2012 imposing a moratorium on Medical Marijuana Collective Gardens on December 19, 2012, restricting the acceptance and processing of any permit application to locate any facilities for the growing, production, processing and/or dispensing of medical marijuana prior to further study and public analysis. Said Ordinance is scheduled to expire June 19, 2013. Subsequently Franklin County seeks public comment on whether to extend said moratorium an additional six months while it continues to evaluate impacts and consider appropriate regulations related to medical marijuana collective gardens under Chapter 69.51A RCW.

Public Hearing convened at 9:02 am. Present: Commissioners Koch and Peck; County Administrator Fred Bowen; and Pro Tem Clerk to the Board Margo Hines. Present in audience: Sheriff Richard Lathim, Pasco Police Captain Bob Metzger, Human Services Director Ed Thornbrugh, Planning and Building Director Jerrod MacPherson and Assistant Planning and Building Director Greg Wendt.

Mr. Koch asked if anyone in the audience would like to speak.

Human Services Director Ed Thornbrugh said he had expressed concern previously about how dispensaries are regulated. He is concerned about public assistance for housing where they may have collective grows or dispense from a residence. He has asked the state for rules and on

Commissioners' Proceedings for June 19, 2013

Monday received notice that the state is not taking a stand and referred us to our Prosecuting Attorney. He said it could affect housing funds if there is illegal activity.

Sheriff Richard Lathim said the county would have to have regulations thoughtfully carried out with Federal money at stake. It is important to look at all aspects. He said there have been trespassing problems with one person who tried growing his own marijuana. Sheriff Lathim said the moratorium needs to be continued so proper regulations can be put into place.

Pasco Police Captain Bob Metzger agreed with Sheriff Lathim. He said the City of Pasco has taken the stance to not give out a license for something that is against Federal law. The conflict is that it is legal in the state. If it is illegal against any law, we cannot issue a license and he asked the Board to take that into consideration.

Mr. Peck asked that the Human Services Department make sure that any leases for housing say the tenant won't violate state or Federal law.

Mr. Verhulp responded to Mr. Koch's question about determinations by the state regarding possession of medical marijuana and about medical marijuana gardens.

Hearing was closed to public comment.

Undersheriff Kevin Carle and Jail Construction Superintendent Larry Hueter joined the audience.

The Board discussed details of collective gardens with Mr. Verhulp and Mr. MacPherson including: how other entities have adopted regulations; basis of points system for qualifying patients; options for regulating, including completely prohibiting, substantially prohibiting, or allowing to a greater degree; licensing (such as business registration); land use; cities would not have jurisdictional overlap with the county; and, differences between Federal and state laws.

Motion – Mr. Peck moved to extend the moratorium on medical marijuana gardens for an additional six months. Second by Mr. Koch. 2:0 vote in favor. Ordinance 2-2013 was approved (Exhibit 1)

<u>Motion</u> – Mr. Peck moved to have the Planning Department coordinate with Mr. Verhulp to develop an ordinance where all land use categories will be prohibited from having medical marijuana collective gardens. Second by Mr. Koch. 2:0 vote in favor.

The **Board concurred** to have a stand-alone ordinance prepared rather than amending the current zoning ordinance.

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PLANNING AND BUILDING DEPARTMENT

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

Public Meeting: SH 2013-01, a Shoreline Substantial Development permit request to install a marine vapor combustion unit (VCU) which will serve as air pollution controls to allow marine loading of petroleum at the Snake River Terminal of the Tidewater Terminal Company.

Property is located in the General Industrial I-2 Zoning District

Public Meeting convened at 9:38 am. Present in audience: Larry Hueter and Ed Thornbrugh.

Mr. Wendt reviewed the information on the Agenda Summary Report (Exhibit 2).

Mr. MacPherson noted that the Planning Commission acted as the Shoreline Development

Committee on June 4, 2013. He showed aerial views on the screen and answered the Board's questions about how the equipment will function.

Mr. Wendt reviewed the Findings of Fact and Conditions of Approval.

The planners answered questions about the selection of Shoreline Steering Board members.

County Web Site discussion

The Commissioners requested a link on the Franklin County home page that says "volunteer" to lead people to positions on boards and committees they can apply to serve on. The current site is under County Commissioners.

The Commissioners would like to have links to frequently used items on the home page including: Elections, Committees, Vehicle Licensing, Taxes, and Small Works Roster information. The information about County History could be on a separate page.

Other suggestions for improvements were also made including having a Current Events section and time-sensitive information on the home page. The section for "Job Openings" could include committees.

Public Meeting: SH 2013-01 (continuing)

Mr. MacPherson responded to questions about vapor control, state requirements, and training. The tower height is 34 feet.

Commissioners' Proceedings for June 19, 2013

<u>Motion</u> – Mr. Peck moved for approval as presented. Second by Mr. Koch. 2:0 vote in favor. Resolution 2013-214 was approved.

<u>Motion</u> – Mr. Peck moved for approval of Chair Pro-Tem to sign Contract SA-2013-01 in the absence of the chairman. Second by Mr. Koch. 2:0 vote in favor.

OFFICE BUSINESS

Administrative Assistant Margo Hines met with the Board.

Vouchers

Mr. Bowen has reviewed the vouchers and has no concerns about them.

<u>Motion</u> – Mr. Peck moved for approval of County Road and Motor Vehicle vouchers in the total amount of \$114,174.46 and Fund Expenditures in the total amount of \$174,643.39 and noted they are signed by the auditor or his designated representative. Second by Mr. Koch. 2:0 vote in favor.

| Fund | <u>Warrant</u> | | Amount |
|---------------------|----------------|---------------|--------------------------|
| County Road Payroll | 83396-83419 | | 27,732.10 |
| Direct Deposit | | | 36,089.16 |
| | | | 63,821.26 |
| Benefits | 83420-83429 | | 32,712.01 |
| | | Total | \$96,533.27 |
| Motor Vehicle | | | |
| Payroll | 83430-83449 | | \$5,961.15 |
| Direct Deposit | | | 5,331.95 |
| _ | | | \$11,293.10 |
| Benefits | 83450-83459 | | 6,348.09 |
| | | Total | \$17,641.19 |
| | | Grand Total A | ll Payrolls \$114,174.46 |

(Exhibit 3)

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Commissioners' Proceedings for June 19, 2013

| Fund Expenditures | <u>Warrants</u> | | Amount Issued |
|---------------------------------|-----------------|--------------|-------------------------|
| Current Expense | Excise Tax | | \$1,740.31 |
| FC Capital Projects Fund | Excise Tax | | \$172.86 |
| Enhanced 911 | Excise Tax | | \$164.81 |
| County Roads | Excise Tax | | \$1.20 |
| Franklin County RV Facility | Excise Tax | | \$67.59 |
| TRAC Operations Fund | Excise Tax | | \$131.63 |
| Motor Vehicle/Public Works | Excise Tax | | \$83.69 |
| Current Expense | 83288 | 83341 | \$23,429.14 |
| Current Expense | 83342 | 83377 | \$50,009.22 |
| Current Expense | 83378 | 83393 | \$4,611.38 |
| TRAC Operations Fund | 83394 | 83395 | \$562.00 |
| Current Expense | 83460 | 83463 | \$957.45 |
| Election Equipment Revolving | 83464 | 83466 | \$19,852.58 |
| L&I Reserve Fund | 83467 | 6 <u>m</u> 3 | \$22,154.00 |
| Courthouse Facilitator Program | 83468 | - | \$1,100.00 |
| Trial Court Improvement Fund | 83469 | - | \$350.00 |
| Boating Safety Fund | 83470 | 83474 | \$1,748.90 |
| DARE Fund Sheriff | 83475 | - | \$97.09 |
| Enhanced 911 | 83476 | 83481 | \$10,429.12 |
| Veteran's Assistance | 83482 | 83484 | \$1,361.94 |
| Ending Homelessness Fund | 83485 | 83486 | \$2,651.00 |
| Jail Commissary | 83487 | 83490 | \$615.36 |
| FC Public Facilities Const Fund | 83491 | - | \$147.47 |
| TRAC Operations Fund | 83492 | 83508 | \$6,901.61 |
| Franklin County RV Facility | 83509 | - | \$23.36 |
| County Roads | 83510 | 83530 | \$6,784.44 |
| Solid Waste | 83531 | 83532 | \$1,383.60 |
| Motor Vehicle/Public Works | 83533 | 83555 | \$17,111.64 |
| | | G | rand Total \$174,643.39 |

(Exhibit 4)

Commissioners' Proceedings for June 19, 2013

Consent Agenda

<u>Motion</u> – Mr. Peck moved for approval of the consent agenda as listed, with discussion on item 2. Second by Mr. Koch. Mr. Bowen answered Mr. Peck's questions about item 2, saying the previous contract had no ending date. Human Services Director Ed Thornbrugh said there will be a number of bridge contracts with the state because the State has not adopted a budget yet. 2:0 vote in favor.

- 1. Approval of Resolution 2013-215, Personal Services Contract between Benton and Franklin Counties Juvenile Justice Center and Michael Henry, MS, ABS, to provide services and treatment to first-time adjudicated sex offenders
- 2. Approval of Resolution 2013-216, terminating the 2001 Personal Services Contract between the Benton-Franklin Counties Juvenile Justice Center and Ruegsegger Polygraph Services in order to implement a new contract
- 3. Approval of Resolution 2013-217, Personal Services Contract between Benton-Franklin Counties Juvenile Justice Center and Ruegsegger Polygraph Service
- 4. Approval of Resolution 2013-218, renewing the hardware and AIX software maintenance (SWMA) Agreement with IBM and Netsmart Technologies, Inc., for \$10,766.29 for Benton-Franklin Counties Department of Human Services
- 5. Approval of Resolution 2013-219, Third Amendment to Agreement #11-13-SA-FSCCS-00 between Benton and Franklin Counties Department of Human Services and First Steps Community Counseling Services, approved by Benton County Resolution Number 11-662 and Franklin County Resolution 2011-365.
- 6. Approval of Franklin County Commissioner Proceedings for June 12, 2013

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Jail Expansion Project: Change Order #1

Jail Construction Superintendent Larry Hueter explained the four items included in Change Order #1 for a total cost of \$16,482.75, with the City of Pasco paying an additional 25%, and asked for approval.

<u>Motion</u> – Mr. Peck moved to approve Change Order #1. Second by Mr. Koch. 2:0 vote in favor. Resolution 2013-220 was approved.

Commissioners' Proceedings for June 19, 2013

OTHER BUSINESS

Hanford

As a member of Hanford Communities, Mr. Peck has met with the United States Secretary of Energy and others and he told the secretary that the governor's remarks about Hanford tank leaks can have an effect on the county's world-class agricultural products.

Adjourned at 10:23 am.

Commissioners' Proceedings for June 19, 2013

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 26, 2013.

BOARD OF COUNTY COMMISSIONERS FRANKLIN COUNTY, WASHINGTON

Rick Miller - Abse

Rick Miller, Chairman

Robert E. Koch, Chairman Pro Tem

Brad Peck, Member

Attest:

Clerk to the Board

Approved and signed July 3, 2013.

ORDINANCE NUMBER 2-2013

AN ORDINANCE EXTENDING A MORATORIUM ON MEDICAL **MARIJUANA COLLECTIVE GARDENS IN FRANKLIN COUNTY.**

WHEREAS, on December 19, 2012, the Board of County Commissioners adopted Ordinance 5-2012 imposing a six (6) month moratorium on medical marijuana collective gardens within unincorporated Franklin County: and

WHEREAS, in adoption of Ordinance 5-2012 the Board of County Commissioners found imposition of a moratorium was in the public's best interest (to protect the public's safety, health and general welfare) and to maintain the status quo pending Franklin County's consideration of amending zoning classifications based on further study and public analysis; and

WHEREAS, Franklin County staff have now conducted further study regarding regulation of medical marijuana collective gardens and now seek direction from the Board of County Commissioners in regards to developing such regulations; and

WHEREAS, the moratorium imposed by Ordinance 5-2012 expires June 19, 2013; and

WHEREAS, additional time is necessary to develop and implement regulations to be considered by the Board of County Commissioners; and

WHEREAS, while development and implementation of regulations is pending it continues to be in the public's best interest to impose a moratorium and preserve the status quo by extending for another six (6) months the moratorium on medical marijuana gardens within unincorporated Franklin County; and

WHEREAS, this day a public hearing has been held to consider extending for another six (6) months the moratorium on medical marijuana gardens within unincorporated Franklin County; and

WHEREAS, the Board of County Commissioners has the authority pursuant to RCW 36.70.795 to adopt a moratorium; and

WHEREAS, the Board of County Commissioners intends for these recitals and those set forth in Ordinance 5-2012 and incorporated herein, to constitute its "findings of fact" as required by RCW 36.70.795.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Franklin County, Washington, as follows: The Board of County Commissioners hereby adopts this Ordinance 2-2013 to establish for an additional six (6) months the moratorium on the acceptance and processing of any permit application to locate any facilities for the growing, production, processing and/or dispensing of medical marijuana prior to further study and public analysis on parcels located within unincorporated Franklin County and to establish a moratorium on the use of land or buildings for the growing, production, processing and/or dispensing of medical marijuana in unincorporated Franklin County.

PASSED this 19th day of June, 2013.

BOARD OF COUNTY COMMISSIONERS FRANKLIN COUNTY, WASHINGTON

Aick Miller - Absent

Rick Miller, Chair

Robert E. Koch, Chair Pro Tem

Brad Peck, Member

ORDINANCE NUMBER 2-2013

AN ORDINANCE EXTENDING A MORATORIUM ON MEDICAL MARIJUANA

COLLECTIVE GARDENS IN FRANKLIN COUNTY

APPROVED AS TO FORM:

wan Verhulp

Deputy Prosecuting Attorney

Attest:

Franklin County

Board of Commissioners Agenda Summary Report

| DATE : June 10, 2013 | PRESENTED BY: Jerrod MacPherson | | | | |
|--|---------------------------------|--|--|--|--|
| ITEM: (Select One) Consent Agenda. X To Be Brought Before the Board. Date. June 19, 2013 Time needed: 15 minutes | | | | | |
| SUBJECT / ISSUE: SH 2013-01, a Shoreline Substation Development Permit- request to install a marine vapor combustion unit (VCU) which will serve as air pollution controls to allow marine loading and unloading of petroleum at the Snake River Terminal of the Tidewater Terminal Company. | | | | | |
| ACTION(S) REQUESTED: Review the Planning Commission Recommendation in a Public Meeting; Pass a motion, and Pass a Resolution. | | | | | |

BACKGROUND:

This is a Shoreline Substantial Development Permit request to install a marine vapor combustion unit (VCU) which will serve as air pollution controls to allow marine loading and unloading of petroleum at the Snake River Terminal of the Tidewater Terminal Company.

The purpose of the VCU is to remove emissions from the petroleum barge loading operations. As proposed, the project will not involve any in-water work. Tidewater Terminal Company (Snake River Terminal) is operating under an existing permit that allows for receipt and delivery of petroleum products by barge (i.e. marine loading and unloading). The project components include a dock safety skid, piping, waste gas blower, vapor combustion unit, and a concrete pad.

The land is east of SR 12 along the Franklin County side of the Snake River at the east end of Tank Farm Road near site address 671 Tank Farm Road.

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: One person 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 4 in favor; 0 against.

Summary: At the regularly scheduled Planning Commission hearing on June 4, 2013 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 seven (7) conditions of approval:

Finding of Fact:

- 1. The project IS in accordance with the goals and policies of the County Development Regulations (Zoning), the Comprehensive Plan, and the Shoreline Master Program.
 - The proposal is consistent with the Franklin County Development Regulations (Zoning).

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- b. The proposal is consistent with the intent of the Shoreline Master Program for the issuance of a Shoreline Substantial Development Permit.
- c. The project is consistent with the goals and policies of the Shoreline Master Program including Table 10 for water related industry.
- d. A DNS (Determination of Non-significance) was issued during the SEPA Review.
- e. In accordance with Section 1.090 (B) of the County Critical Area Ordinance 3-2009, a Critical Area waiver as been reviewed and approved for the project.
- 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.
- 4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
- 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.
 - a. The applicant shall comply with the Department of Ecology standards for air quality standards and air quality permitting.
 - b. No in-water work is planned at the site.

Conditions of Approval:

- 1. This is a Shoreline Substantial Development Permit request to install a marine vapor combustion unit (VCU) which will serve as air pollution controls to allow for marine loading and unloading of petroleum at the Snake River Terminal of the Tidewater Terminal Company.
- 2. Approval grants the applicant the ability to install a VCU to remove emissions from the petroleum barge loading operations. The project will not involve any in-water work. Tidewater Terminal Company (Snake River Terminal) is operating under an existing permit that allows for receipt and delivery of petroleum products by barge (i.e. marine loading and unloading). The project components include a dock safety skid, piping, waste gas blower, vapor combustion unit, and a concrete pad.
- 3. Applicant shall comply with all local, state and federal agency requirements for this project. A DNS (Determination of Non-significance) was issued for the project at the completion of the SEPA review.
- 4. Applicant shall comply with the Department of Ecology standards for air quality standards and air quality permitting.
- 5. The applicant shall commence (apply for a building permit) the use authorized in the Shoreline Substantial Development Permit within 1 year after the effective date of the permit issuance date, or the permit shall expire.

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- 6. Nothing in this approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
- 7. 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.

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N/A

RECOMMENDATION:

The County Planning Commission recommends the Board of Commissioners approve SH 2013-01 with the following motion:

Motion:

Grant approval of SH-2013-01, subject to the six (6) findings of fact and seven (7) conditions of approval.

HANDLING / ROUTING:

N/A

ATTACHMENTS:

Five (5) exhibits are attached for consideration: 1) A brief project description of the marine vapor combustion unit (VCU); 2) A parcel overlay map of the general area and property in question; 3) Three detailed aerials of the general area and property in question; 4) Details/schematics of the marine vapor combustion unit (VCU); and 5) A draft Resolution for approval.

I certify the above information is accurate and complete.

Jerroy MacPherson - Director of Planning and Building

Marine Vapor Combustion Unit (VCU) Project Description

Purpose

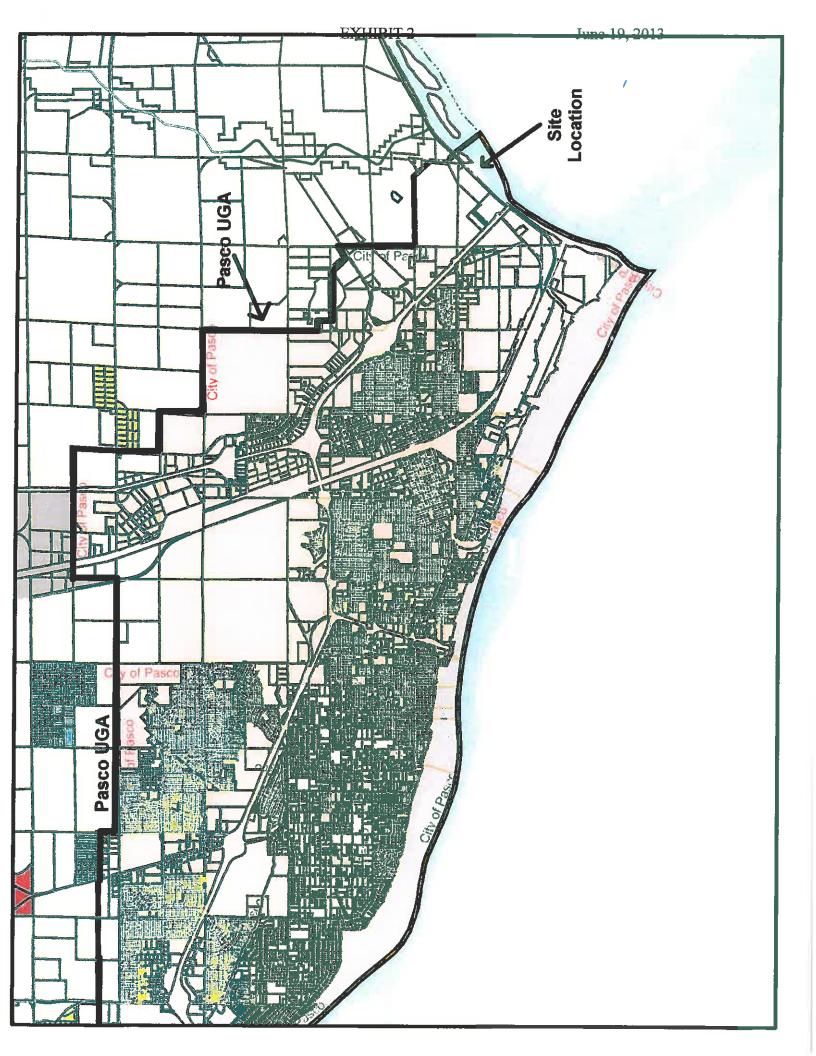
The purpose of the VCU is to remove emissions from petroleum barge loading operations. The VCU is guaranteed by the manufacturer to combust volatile organic compounds (VOCs) to 98 percent efficiency. The VCU is best available control technology for this operation.

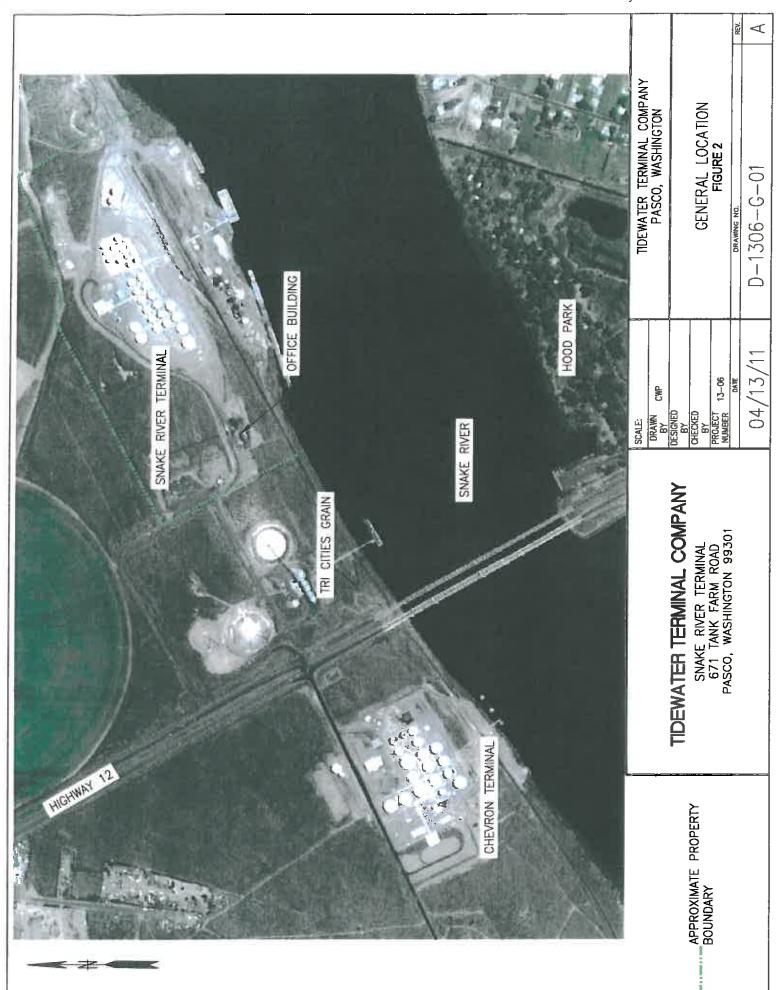
Description

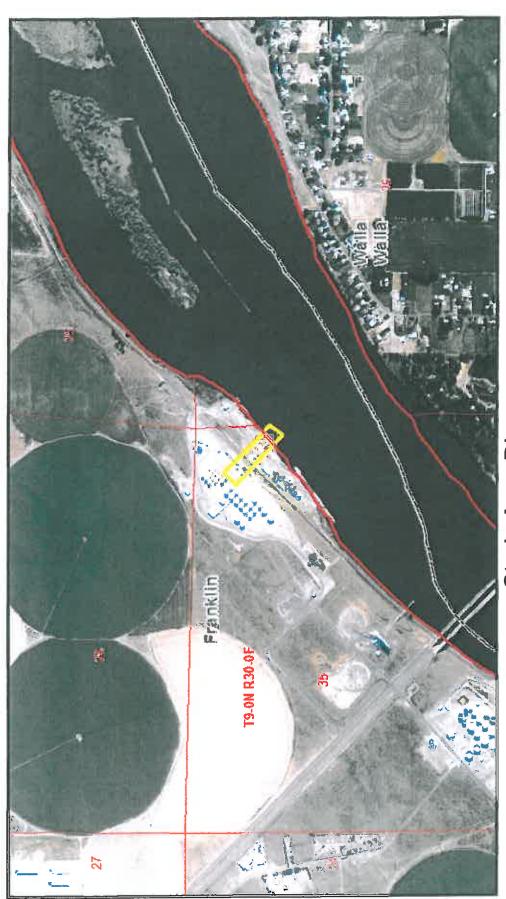
Proposed project is to install a marine vapor combustion unit (VCU) that will serve as air pollution controls to allow marine loading of petroleum at the Snake River Terminal. There will be no in-water work. Project includes the following components:

- Dock Safety Skid: Installation of a 16.5-ft by 6-ft dock safety skid on the current marine dock close to the header connection for barges.
- Piping: Piping to carry vapor from the dock safety skid to the VCU. The majority of this new piping will run on existing pipe supports for approximately 150-ft.
- Waste Gas Blower: A waste gas blower will be installed for use when needed for operations.
- Vapor Combustion Unit: VCU (approximately 13-ft by 5-ft) will be installed between the lubricity tank and dock shack. It will be on a concrete foundation (approximately 19-ft, 8 inches by 5-ft with a stack (approximately 25-ft tall and with 12-inch diameter) mounted separately.
- Concrete Pad: VCU mechanical system will sit upon a concrete pad.

Refer to State Environmental Policy Act (SEPA) Environmental Checklist for additional project details.







Study Area Diagram

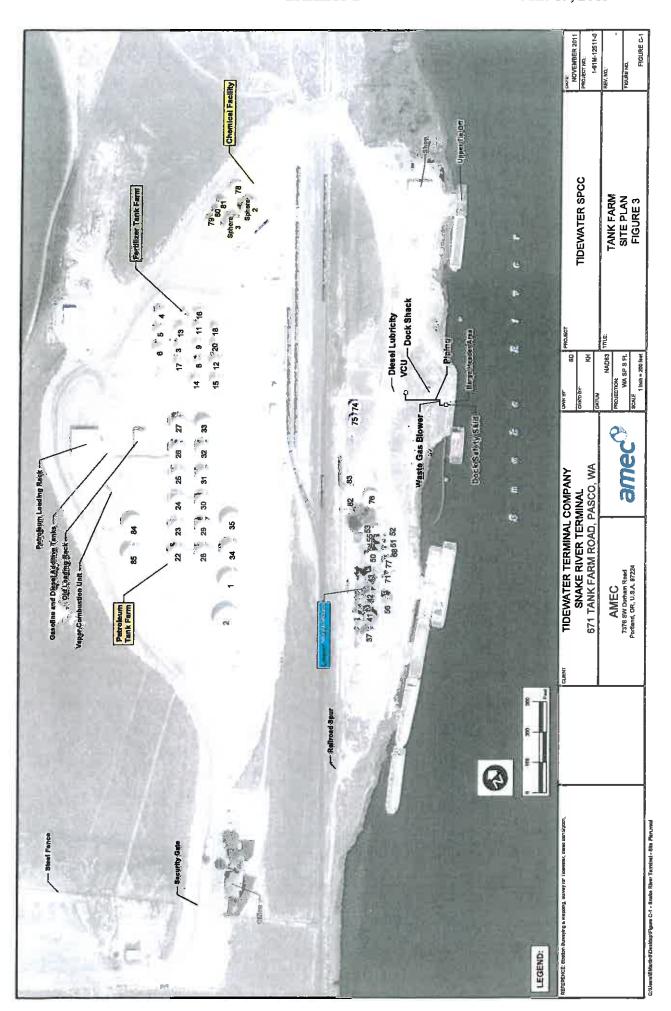
-13251213,5814917 -13246173,5817677

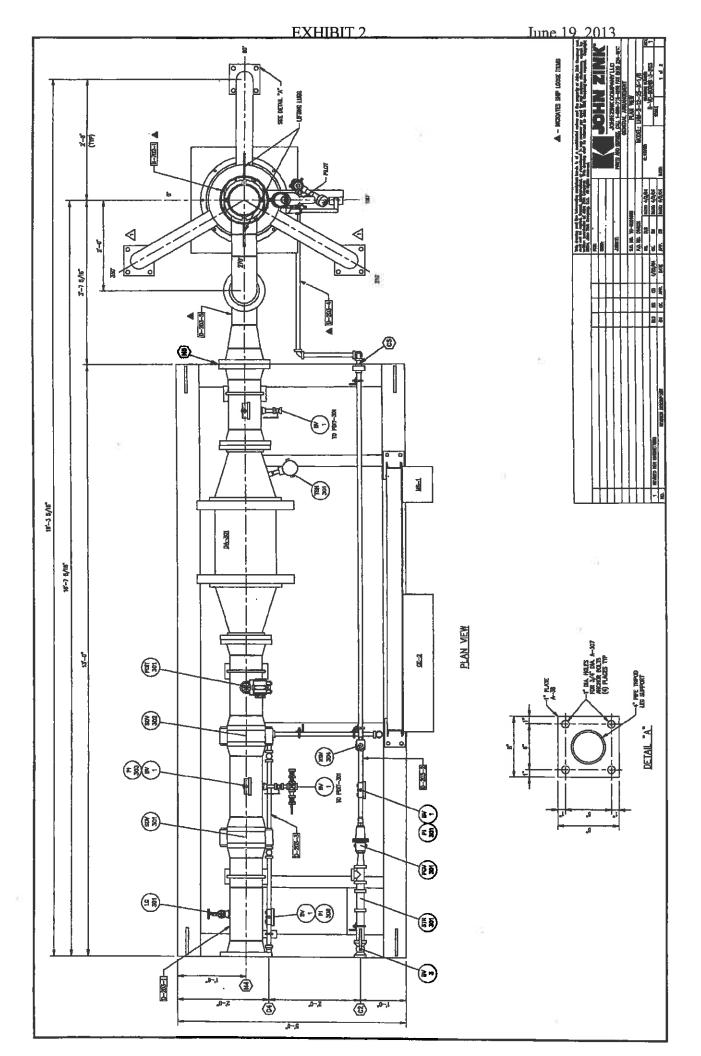
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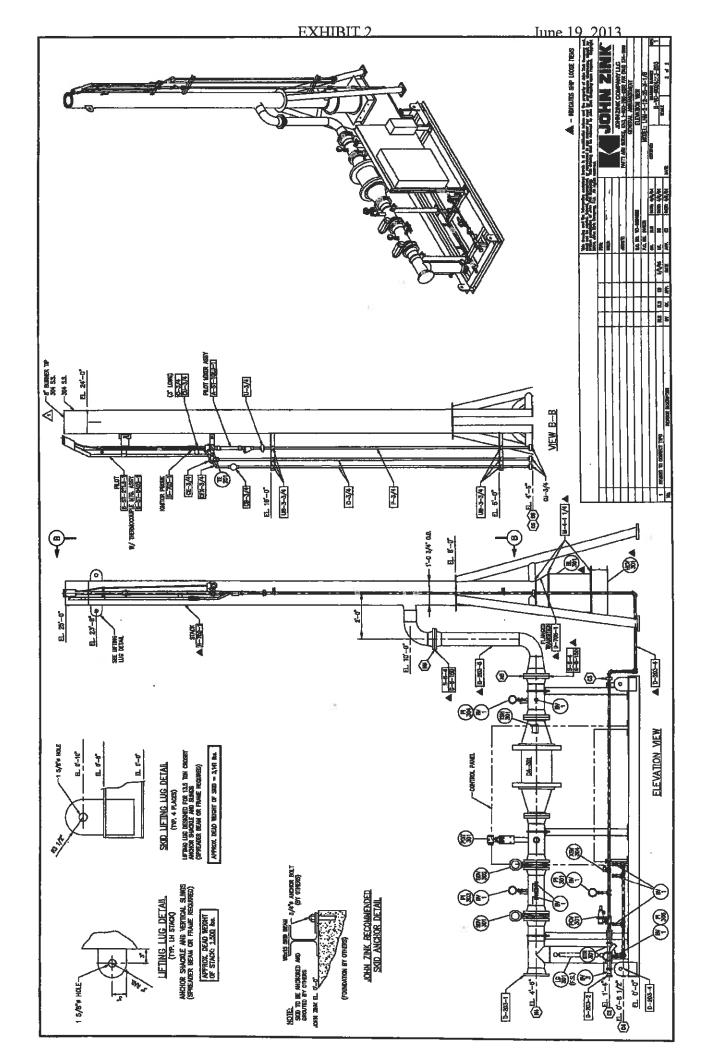
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FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

June 19, 2013

Franklin County Commissioners:

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

Action: As of this date,

June 19, 2013 Burn Lach

move that the following warrants be approved for payment.

| FUND | <u>WARRANT</u> | <u>AMOUNT</u> |
|--------------------------------------|-----------------------------|---|
| County Road Payroll Direct Deposit | 83396-83419 | 27,732.10 36,089.16 |
| Benefits | 83420-83429 Total | 63,821.26 32,712.01 \$96,533.27 |
| Motor Vehicle Payroll Direct Deposit | 83430-83449 | \$5,961.15 5,331.95 |
| Benefits | 83450-83459 Total | \$11,293.10 6,348.09 \$17,641.19 |

Grand Total All Payrolls

\$114,174.46

In the total amount of \$114,174.46

(\$96,533.27+ \$17,641.19)

The motion was seconded by

and passed by a vote of

The attached payroll has been approved by Auditor or Deputy

ayrol Prepared By



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims.

Action: As of this date, 6/19/2013

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 | Excise Tax | | \$1,740.31 |
| FC Capital Projects Fund | Excise Tax | | \$172.86 |
| Enhanced 911 | Excise Tax | | \$164.81 |
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| Franklin County RV Facility | 83509 | - | \$23.36 |
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| Solid Waste | 83531 | 83532 | \$1,383.60 |
| Motor Vehicle/Public Works | 83533 | 83555 | \$17,111.64 |

In the amount of

The motion was seconded by

The attached vouchers have been approved by Auditor or Deputy

\$174,643.39