

Leo Bowman  
District 1  
Shon Small  
District 2  
James Beaver  
District 3

# Board of County Commissioners BENTON COUNTY

David Sparks  
County Administrator

Loretta Smith Kelty  
Deputy County Administrator



Click on any highlighted  
area to view detail

## AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, August 16, 2011 Benton County Courthouse, Prosser, WA

- 9:00 AM**      **Call to Order**  
**Approval of Minutes**  
    ❖ **August 9, 2011**  
**Review Agenda**
- Consent Agenda**  
**Commissioners**
- a. Interlocal Cooperation Agreement w/City of Richland Relating to Revitalization Area for Industry, Science and Education
  - b. Property Surplus and Authorization for Private Negotiation
- Facilities**
- c. Authorization for Request for Proposals for OPT 022 Control System Upgrade
- 9:05 AM**      **Public Hearings**
- Comprehensive** Plan Amendments – M Shuttleworth
- Scheduled Business**
- Preliminary** Plat SUB 11-01 – M Shuttleworth
- Unscheduled Visitors**  
**Board Assignment Update**

**Draft**

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
Tuesday, August 9, 2011, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Leo Bowman  
Commissioner James Beaver  
Commissioner Shon Small  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy Administrator Loretta Smith Kelty; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Valerie Smith, Susan Walker, Planning; District Court Administrator Jacki Lahtinen; Superior Court Administrator Pat Austin; Juvenile Administrator Sharon Paradis; Rosie Sparks, Auditor; Central Services Manager Randy Reid; Superior Court Judge Mitchell; Nick Kooiker, Treasurer's Office; Auditor Brenda Chilton; DPA Ryan Brown; Duane Davidson, Sam Schneider, Erhiza Rivera, Treasurer's Office.

**Approval of Minutes**

The Minutes of July 27, 2011 were approved.  
The Minutes of August 1, 2011 were approved.

**Consent Agenda**

**MOTION:** Commissioner Small moved to approve the consent agenda items "a" through "g". Commissioner Beaver seconded and upon vote, the Board approved the following:

**Commissioners**

- a. Family Day, A Day To Eat Dinner With Your Children Proclamation

**Juvenile**

- b. Agreement w/Administrative Office of the Courts for CASA, Agreement No. IAA12055

**Personnel**

- c. Denial of County Claim – CC 2011-18

**Public Works**

- d. Bid Award for Pavement Marking - 2011
- e. Authorization for Construction of Clodfelter Road
- f. Authorization for Construction of Locust Grove Road

**Sheriff**

g. Department of Ecology Grant

**Comprehensive Plan Amendment Workshop**

Susan Walker, along with Valerie Smith and Mike Shuttleworth reviewed the proposed comprehensive plan amendments as follows:

**CPA 11-01**

At the request of property owners to change land use designation on Barker Ranch from Rural Lands Five (RL-5) to Open Space Conservation (OSC). The Planning Commission recommended approval.

**CPA 11-02**

A proposal submitted by Public Works to add the following two proposed road projects: extension of Locust Grove Road between Clodfelter and Edwards and extension of Coffin Road between Nine Canyon and Meals Road. Recommended to approve by the Planning Commission.

**CPA 11-04**

Housekeeping proposed by staff and considered maintenance to update and improve the accuracy of the information contained in various chapters of the Plan and maps. The Planning Commission recommended approval.

A public hearing is scheduled for August 16, 2011 to consider adoption of these amendments.

**Residential Substance Abuse Treatment Contract Discussion**

Ed Thornbrugh reviewed the residential substance abuse treatment contract amendment. He said there was a concern raised by the DPA about the time lapse that may limit enforceability. He said that for purposes of funding the program, the State had been a good partner and he recommended the Board sign the amendment. Additionally, he said the Board previously approved a resolution allowing the Human Services Administrator to sign minor contract extensions and amendments and perhaps that approval should include bridge agreements. With the Board's approval, he said he would bring back some language for the Board to review.

**MOTION:** Commissioner Beaver moved to approve the resolution for the Residential Substance Abuse Treatment Contract Amendment for Human Services. Commissioner Small seconded and upon vote, the motion carried.

The Board requested Mr. Thornbrugh to bring back recommendations on changing the other resolution as suggested.

### **Treasurer's Investment Pool**

Duane Davidson requested his agenda item be moved to later in the meeting since D.A. Davidson had travel issues and had not yet arrived.

### **Water Conservancy Board Update**

Darryll Olsen, Chairman, Benton County Water Conservancy Board, briefed the Board on the following issues:

- Water policy situation and what we are looking at in next legislative session;
- Water Conservancy Board handles all water right issues for the County;
- Moving ahead with program initiated by Snake Rivers Initiative – allows water conservation savings to be spread onto new ground and new projects running through Conservation O & M program (Columbia River Office is being very cooperative) – several thousand more acres irrigated through this program;
- Biggest concern is next Legislative Session – fight about taxation and fees on water; not concerned about fees but if approved, that is very close to taxation and the irrigation community will oppose that legislation;
- The north area has significant money issues – if money is not there they will not advance;
- Projects here in Benton County do not require money except for the irrigators

### **Treasurer's Investment Pool**

Duane Davidson introduced Deanne Woodring (D.A. Davidson, Inc.). Ms. Woodring said they were completing a feasibility study/assessment to make sure this was the right thing to do for the County. She said pooling of investments was not new in the State of Washington (everyone the County was an ex-officio treasurer for would be pooled into one). She said the County would not be guaranteeing the funds, but would be the sponsoring entity and everyone would be a participant. She discussed the benefits including, cost allocation, sharing the cost of staff time, custodial banking fees, software, improved efficiencies with cash handling; and internal controls. The goal was a higher return over time and right now they were working on documents and meeting with the other entities to see if they were on board with the concept.

Mr. Davidson asked for approval to issue an RFP for software to determine what interest allocation software would cost. The Board agreed.

Mr. Sparks asked if they were looking at only those entities managed by the Treasurer or whether they were also asking PUD, etc. Mr. Davidson said they could expand their scope, but would do so very cautiously.

The Board briefly recessed, reconvening at 10:05 a.m.

### **Revised Travel Policy**

Ms. Smith Kelty said some new issues had come up and she was working through those and would bring the travel policy back for approval at the next meeting.

### **BCES Interlocal Agreement Discussion**

Tom Lampson (Attorney for BCES), Jim Barber, BCES, and Cindy Johnson, Richland City Manager discussed the proposed interlocal agreement for BCES.

Commissioner Small said he was originally opposed to Benton PUD being included in the agreement, however, asked the Board to have an open mind.

Mr. Lampson discussed the microwave system and said there essentially several locations in the county and that it was the backbone for emergency services. Benton PUD utilized the system for data and based on original 1993 agreement had first right of refusal. Benton PUD was agreeable to transfer of ownership of the microwave system if Benton PUD was included as a voting member on the operation of the microwave system. He said they were working with the attorneys on the interlocal agreement and looking for direction on which way to go.

Ms. Johnson said if Benton PUD were allowed a vote, they would add an agenda topic for microwave systems to the executive meetings. Mr. Barber also stated they currently have an agreement with the State but would now have an agreement with BCES.

Chairman Bowman expressed his concern about allowing another entity voting rights and wanted to know why we couldn't have a separate agreement. Mr. Johnson said that Benton PUD had the right to take the microwave but in exchange for that they wanted a stronger voice. She said if the situation were reversed, BCES would want a vote on the board. She said she believed this was the right way to go and saw more problems with creating a separate board. She said this subject had come up before (other entities have votes on separate issues) and it worked very well.

The Board agreed to move forward with the development of the interlocal agreement.

The Board briefly recessed, reconvening at 10:34 a.m.

### **Board Assignment Update**

Commissioner Small reported on his BCES meeting with Mr. Lampson and another meeting with CSEPP regarding reorganizing dispatch. Additionally, he went with Mr. Davidson to the Prosser museum to award grant funds.

Chairman Bowman said there was an open seat on Fire District 3 and the Board needed to make an appointment. The Board agreed to have an interview process and make the appointment at a special board meeting.

## **Benton County Fair Booth**

Chairman Bowman said that Benton County would have a booth at the fair this year and the Commissioners' office was obligated to cover the booth at certain time slots. The Board discussed whether it would be able to provide a ticket to those individuals and requested Ms. Smith Kelty to make assignments for Commissioner staff. Additionally, Chairman Bowman said that WSAC provided some information for a possible brochure and requested the Board review the information.

Additionally, Chairman Bowman said he attended the annual Snake River Irrigators meeting and provided info for review. Also, he was approached by the Columbia River group and asked if they should bring in a presentation for KID customers and the Board agreed.

The Board requested Mr. Fyall write a letter of congratulation regarding the grand opening of the Wagenaar-Pfister House for transitional veterans.

Mr. Sparks said he met separately with West Richland and the Port of Benton regarding distressed county funds and the ball was in their court to provide a workscope.

## **Vouchers**

Check Date: 08/05/2011  
Warrant #: 39090-39241  
Total all funds: \$418,871.26

Check Date: 08/05/2011  
Warrant #: 39242-39379  
Total all funds: \$3,037.08

Total amounts approved by fund can be reviewed in the Benton County Auditor's Office.

## **Resolutions**

11-512 Family Day, A Day To Eat Dinner With Your Children Proclamation  
11-513 Agreement w/Administrative Office of the Courts for CASA--Agreement No. IAA12055  
11-514 Denial of County Claim – CC 2011-18  
11-515 Bid Award for Pavement Marking – 2011  
11-516 Authorization for Construction of Clodfelter Road  
11-517 Authorization for Construction of Locust Grove Road  
11-518 Department of Ecology Grant  
11-519 Amendment – Residential Substance Abuse Treatment Services

There being no further business before the Board, the meeting adjourned at approximately 10:56 a.m.

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Clerk of the Board

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Chairman

# RESOLUTION

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:**

**IN THE MATTER OF APPROVING THE INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF RICHLAND RELATING TO REVITALIZATION AREA FOR INDUSTRY, SCIENCE AND EDUCATION TO USE LOCAL REVITALIZATION FINANCING**

**WHEREAS**, the Board of Benton County Commissioners and the City of Richland desire to enter into an Interlocal Cooperation Agreement Relating to Revitalization Area for Industry, Science, and Education to use local revitalization financing authorized by Chapter 39.104 RCW; **NOW, THEREFORE,**

**BE IT RESOLVED** the Board of Benton County Commissioners, Benton County, Washington hereby approves the attached Interlocal Cooperation Agreement with the City of Richland Relating to Revitalization Area for Industry, Science, and Education.

**BE IT RESOLVED** the Board of Benton County Commissioners, Benton County, Washington hereby approves the attached Interlocal Cooperation Agreement with the City of Richland relating to Revitalization Area for Industry, Science, and Education in an amount not to exceed \$73,500 per year; and

**BE IT FURTHER RESOLVED**, the duration of the Interlocal Cooperation Agreement shall commence January 1, 2012 and expire December 31, 2031 unless terminated earlier pursuant to the terms and conditions of the Interlocal Cooperation Agreement.

Dated this . . . . . day of . . . . ., 20 . . . .

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman Pro-Tem

\_\_\_\_\_  
Member

Attest: . . . . .  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

INTERLOCAL COOPERATION AGREEMENT  
RELATING TO  
REVITALIZATION AREA for INDUSTRY, SCIENCE and EDUCATION

This Interlocal Cooperation Agreement (the "Agreement") is made and entered effective as of the date of execution by both the City of Richland, Washington, a municipal corporation and city of the first class in the State of Washington (the "City"), and Benton County, Washington, a public body corporate of the State of Washington (the "County").

RECITALS

WHEREAS, the City and the County are each authorized by Chapter 39.104 RCW (the "Act") to establish "revitalization areas" and to use "local revitalization financing" therein to finance "public improvements" that are reasonably likely to increase private investment and employment within such revitalization areas and generate increases in state and local property, sales, and use tax revenues;

WHEREAS, the City created on August 25, 2009, pursuant to Ordinance No. 28-09, a revitalization area as designated in that Ordinance as the "Revitalization Area for Industry, Science and Education"; and

WHEREAS, prior to the adoption of Ordinance No. 28-09 by the City, the County timely adopted and presented Resolution 09-509 and duly opted out of the revitalization area as both a participating taxing district and participating local government; and

WHEREAS, the City and the County did subsequently enter into an interlocal agreement for the County to participate on some level, but that agreement was terminated when the City did not receive an award from the State of Washington in 2009; and

WHEREAS, the City did receive an award from the State of Washington under the Act in 2010; and

WHEREAS, on June 7, 2011, the City amended the boundaries of the revitalization area pursuant to Ordinance No. 05-11, and the current boundaries of the revitalization area are described by that Ordinance and by the legal description and map attached as Exhibit A to this Agreement (hereinafter, the "Revitalization Area"), which is incorporated herein by this reference; and

WHEREAS, prior to the adoption of Ordinance No. 05-11, the City was aware that the County had not changed its intent to opt out of the Revitalization Area as both a participating taxing district and a participating local government as defined in RCW 39.104.020 and received a copy of Resolution No. 11-116 from the County reiterating that position; and

WHEREAS, as in 2009, the County wishes to participate on a partial basis in the Revitalization Area pursuant to the terms of an interlocal agreement; and

WHEREAS, the City and the County wish to evidence their respective agreements pertaining to the use of a portion of the County's "local property tax allocation revenues" derived from the County's general regular levy for purposes of local revitalization financing of public improvements and repayment of bonds within the Revitalization Area;

WHEREAS, the City and County have agreed that the County will not allocate any of the County's "local sales and use tax increment" as that phrase is used in the Act;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and the benefits to be realized by each party and by the general public from the creation of the Revitalization Area, the City and the County agree as follows:

1. Authority and Purpose. This Agreement is entered into pursuant to the authority of chapters 39.34 RCW and the Act. This Agreement sets forth the County's approval of and agreement to, pursuant to the Act, the City's use of a portion of the County's share of "local property tax allocation revenues" (as defined in the Act) generated in the Revitalization Area for local revitalization financing of the "Public Improvement Costs" of "Public Improvements" (the definitions of such terms are set forth in the Act and are incorporated herein by reference) made in the Revitalization Area.

2. Real Property Tax Distributions. Commencing on January 1, 2012, the County shall, pursuant to RCW 39.104.080, annually distribute to the City the lesser of: (i) fifty percent (50%) of the additional revenue derived from the County's general regular levy (excluding all earmarked levies such as but not limited to those levies for the refund fund, the veteran's assistance fund and mental health services fund) upon the "property tax allocation revenue value" (as defined in RCW 39.104.020) within the Revitalization Area; or (ii) Seventy Three Thousand and Five Hundred Dollars (\$73,500), to be used by the City for the purposes described by Section 1 of this Agreement. Such distributions shall be used for repayment of bonds issued in accordance with RCW 39.104.110 and shall terminate on retirement of the bonds or December 31, 2031, whichever occurs sooner. The City hereby agrees to notify the County Treasurer in writing within ten (10) days of the retirement of the bonds.

3. Payment Process. The billing and payment process to implement Section 2 above shall be that agreed to in writing by the Benton County Treasurer and the City; provided, such agreement shall not require the County to distribute payments more frequently than twice per year. Any disagreement by the City as to County's compliance with its obligations under Section 2 above shall be promptly raised by the City by sending written notice to both the Benton County Board of Commissioners and the Benton County Treasurer. Such notice shall specify the basis for the City's position that the County has not complied with its obligations under Section 2 above. The City agrees that if no such notice is provided to the County within ninety (90) days of receipt of a payment by the City or within ninety (90) days of the deadline for receipt of a payment if no payment is made, the City shall be deemed to have waived all right to assert any non-compliance with this Agreement that is based on that particular payment amount or amount alleged by the City to be due at that time under Section 2 above, notwithstanding any longer applicable statute of limitations or other Washington law.

4. Interlocal Cooperation Act Required Provisions.

(a) Duration. This Agreement shall continue until the earlier of: (i) the date that all obligations to distribute money to the City under Section 2 of this Agreement have expired; or (ii) December 31, 2031; provided this Agreement shall automatically terminate on December 31, 2011, in the event the Port of Benton and the City have not executed an interlocal agreement by such date whereby the Port of Benton is obligated to distribute to the City 50% of the regular property taxes levied by the Port upon the "property tax allocation revenue value" (as defined in RCW 39.104.020) within the Revitalization Area for the same period of time that the County is contributing under Section 2 above, not to exceed Twenty Three Thousand Dollars (\$23,000) in any year.

(b) Organization of Separate Entity and Its Powers. No separate legal entity is intended to be created pursuant to this Agreement.

(c) Purpose. See Section 1 above.

(d) Manner of Financing and Establishing and Maintaining a Budget. The financing of the Public Improvements will be accomplished in the manner described under Sections 1, 2 and 3 of this Agreement. The parties adopt Section 5 of City Ordinance No. 28-09 as the budget for such expenditures.

(e) Termination and Disposal of Property. This Agreement may not be terminated any earlier than as provided in paragraph 4(a) above. Title to all property acquired by any party in the performance of this Agreement shall remain with the acquiring party upon termination of this Agreement.

(f) Administration of this Agreement. The County hereby designates the County Administrator as its representative for the purpose of implementing this Agreement on behalf of the County. The City hereby designates the City Manager as its representative for the purpose of implementing this Agreement on behalf of the City.

(g) Manner of Acquiring, Holding and Disposing of Property. All real and personal property acquired pursuant to this Agreement shall be acquired by the City, held by the City and disposed in such manner as the City determines from time to time.

(e) Agreement to be Filed. The City shall file this Agreement with its City Clerk. The City shall also file this Agreement with the County Auditor.

5. Reporting. Each quarter starting with the quarter ending September 30, 2011, the City shall provide the County with a written report identifying the Public Improvements completed or under construction in the Revitalization Area, the amount paid for such Public Improvements in that quarter, the entity making any of those payments, and the cumulative cost of Public Improvements in the Revitalization Area since the effective date of this Agreement. The City shall also promptly provide the County with a copy of the annual report due by March 1st of each year from the City to the Department of Revenue under RCW 82.32.765.

6. Severability. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

7. Counterparts. The parties may sign this Agreement in one or more counterparts hereto and each counterpart shall be treated as an original.

8. Binding Effect. Both parties have full power and authority to execute and deliver this Agreement and to perform their respective obligations under this Agreement. This Agreement constitutes a valid and binding obligation of the County and the City and is enforceable in accordance with its provisions.

9. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Washington.

10. Entire Agreement. The City and the County agree that this Agreement is the complete expression of the parties on this subject. Any oral or written representations or understandings not incorporated in this Agreement are specifically excluded. This Agreement may only be amended in a writing signed by both parties that expressly indicates such writing is intended to amend this Agreement.

*(Signatures appear on the following page.)*



## EXHIBIT A

### Boundaries of Revitalization Area

A PORTION OF LAND LYING IN SECTIONS 14,15,16,17,19,20,21,22,23,26,27,28, AND 34, ALL WITHIN TOWNSHIP 10 NORTH. RANGE 28 EAST, W.M., CITY OF RICHLAND, WASHINGTON, BEING DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY MARGIN OF PUBLIC ROAD KNOWN AS SR240 AND THE NORTH QUARTER CORNER OF SAID SECTION 34; THENCE NORTHWESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 16,200 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON; THENCE NORTH ALONG THE WEST LINE THEREOF FOR A DISTANCE 600 FEET MORE OR LESS TO THE NORTHWEST CORNER THEREOF; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE LANDFILL PARCEL AS DEPICTED ON RECORD OF SURVEY NUMBER 4165, RECORDS OF BENTON COUNTY WASHINGTON; THENCE SOUTH ALONG THE WEST LINE THEREOF AND THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 146 FEET MORE OR LESS TO AN ANGLE POINT; THENCE SOUTHEAST CONTINUING ALONG THE BOUNDARY OF SAID LANDFILL PARCEL FOR A DISTANCE OF 385 FEET MORE OR LESS; THENCE EASTERLY CONTINUING ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 2480 FEET MORE OR LESS TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE THEREOF FOR A DISTANCE OF 4,200 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY MARGIN OF A ROAD KNOW AS HORN RAPIDS ROAD; THENCE SOUTHEASTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 3,700 FEET MORE OR LESS; THENCE EASTERLY CONTINUING ALONG THE NORTH LINE THEREOF A DISTANCE OF 11,800 FEET; THENCE CONTINUING ALONG THE NORTH LINE THEREOF IN A NORTHEASTERLY DIRECTION A DISTANCE OF 600 FEET MORE OR LESS; THENCE EASTERLY ALONG THE NORTH LINE THEREOF PROJECTED A DISTANCE OF 1,800 MORE OR LESS FEET THE HIGH WATER LINE OF THE COLUMBIA RIVER; THENCE SOUTHERLY ALONG

THE WATER LINE THEREOF FOR A DISTANCE OF 6,160 FEET MORE OR LESS TO THE CENTER LINE OF A ROAD KNOWN AS 1<sup>ST</sup> PROJECTED; THENCE WEST ALONG SAID PROJECTION FOR A DISTANCE OF 308 FEET MORE OR LESS TO THE BEGINNING OF SAID CENTERLINE OF FIRST STREET; THENCE SOUTH 40 TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 1<sup>ST</sup> STREET; THENCE WEST 100 FEET MORE OR LESS ALONG THE SOUTH LINE THEREOF TO THE NORTHEAST CORNER OF A PARCEL; THENCE SOUTHERLY FOR A DISTANCE OF 960 FEET MORE OR LESS; THENCE SOUTHEASTERLY FOR A DISTANCE OF 1720 FEET TO THE NORTH LINE OF A ROAD KNOWN AS SPROUT ROAD; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE 2,800 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY MARGIN OF SAID GEORGE WASHINGTON WAY; THENCE NORTHERLY ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO POINT ON THE SOUTH RIGHT-OF-WAY MARGIN OF A ROAD KNOWN AS UNIVERSITY DRIVE; THENCE WESTERLY ALONG THE SOUTH LINE THEREOF FOR A DISTANCE OF 1,250 FEET MORE OR LESS TO A POINT ON THE EAST BOUNDARY OF A PARCEL OWNED BY THE PORT OF BENTON; THENCE SOUTH ALONG SAID WEST LINE FOR A DISTANCE OF 320 FEET MORE OR LESS; THENCE WESTERLY FOR A DISTANCE OF 285 FEET MORE OR LESS TO THE WEST BOUNDARY OF PARCEL A AS DEPICTED IN RECORD OF SURVEY NUMBER 4104, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE SOUTHERLY ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 3,440 FEET MORE OR LESS; THENCE SOUTHWESTERLY CONTINUING ALONG SAID WESTERLY BOUNDARY FOR A DISTANCE OF 1,300 FEET MORE OR LESS; THENCE WESTERLY FOR A DISTANCE OF 270 FEET MORE OR LESS; THENCE SOUTHERLY 300 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY MARGIN OF A ROAD KNOWN AS SPENGLER STREET; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO THE SAID WEST RIGHT-OF-WAY MARGIN OF STEVENS DRIVE; THENCE SOUTHERLY ALONG THE WEST LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY OF A ROAD KNOW AS SNYDER STREET; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 1,300 FEET MORE OR LESS TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27,

TOWNSHIP 10 NORTH, RANGE 28 EAST; THENCE NORTH ALONG THE EAST LINE THEREOF TO THE NORTH LINE THEREOF; THENCE WESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE 1,300 TO THE WEST LINE THEREOF; THENCE SOUTHERLY ALONG THE WEST LINE THEREOF TO THE NORTHEASTERLY RIGHT-OF-WAY MARGIN OF A ROAD KNOWN AS ROBERTSON DRIVE; THENCE EASTERLY AND SOUTHERLY ALONG SAID RIGHT-OF-WAY ALONG A CURVE FOR A DISTANCE OF 1,200 FEET MORE OR LESS; THENCE SOUTHWESTERLY ALONG THE EAST LINE THEREOF PROJECTED FOR A DISTANCE OF 260 FEET MORE OR LESS TO THE NORTH LINE OF SAID SR240; THENCE NORTHWESTERLY ALONG THE NORTH LINE THEREOF FOR A DISTANCE OF 340 MORE OR LESS TO THE SAID TRUE POINT OF BEGINNING.



| <b>AGENDA ITEM</b>                        | <b>TYPE OF ACTION NEEDED</b>      |                                  |
|---|-----------------------------------|----------------------------------|
| <b>Meeting Date:</b> <u>8/16/2011</u>     | <b>Execute Contract</b> _____     | <b>Consent Agenda</b> <u> X </u> |
| <b>Subject:</b> <u>Surplus Property</u>   | <b>Pass Resolution</b> <u> X </u> | <b>Public Hearing</b> _____      |
| <b>Prepared by:</b> <u>LMS/Mercer</u>     | <b>Pass Ordinance</b> _____       | <b>1st Discussion</b> _____      |
| <b>Reviewed by:</b> <u>L. Smith Kelty</u> | <b>Pass Motion</b> _____          | <b>2nd Discussion</b> _____      |
|   | <b>Other</b> _____                | <b>Other</b> _____               |

**To:** L. Bowman; Jim Beaver; S. Small; D. Sparks; L. Smith Kelty

**CC:**

**From:** Steve Becken / Malcolm Bowie

**Date:** 8/16/2011

**Re:** Surplus Property – Parcel 1-2680-400-0009-001

Below is a summary report on the parcel 1-2680-400-0009-001.

1. Assessed Value: \$38,755 (2012)
2. Fair Market Value Appraisal: No Fair Market Value Obtained
3. Parcel Size: 3.37 Acres
4. Area: SR 397 / RR Crossing
5. Date Acquired: 8/14/2006
6. Price Paid by County: \$22,200
7. Legal: Section 26; Township 8; Range 30; Quarter SE; That part of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 26, Township 8 North, Range 30 East, W.M., Benton County, Washington, lying east of the Burlington Northern Railroad right-of-way. EXCEPT the East 40.00 feet for road. ALSO EXCEPT the following described portion of Benton County Tax Parcel No. 1-2680-400-0009-000 lying Westerly of Piert Road situated in said North Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 26, said portion being described as follows: Commencing at a found Brass Cap monumenting the Southeast Corner of said Section 26 (from which a found Brass Cap monumenting the East Quarter Corner of said Section 26 bears North 01°11'59" West 2,663.37 feet); thence along the Easterly line of said Section 26 North 01°11'59" West 1,001.51 feet; thence leaving said Easterly line South 88°48'01" West 40.00 feet to the Westerly right-of-way of said Piert Road, said point being 147.94 feet right of Station I 566+66.72 being also 47.10 feet left of Station SB 15+35.84 of Benton County I-82/SR397 Intertie Project Right-of-Way Plans - Phase 3, Finley Road to SR 397 (Chemical Drive) (on file in the office of the Benton County Engineer), said point also being the REAL POINT OF BEGINNING; thence South 89°49'36" West 325.33 feet to a point 125.00 feet left of Station 1564+94.68; thence North 34°27'21" East 66.49 feet to a point 125.00 feet left of Station I

565+61.17; thence Northerly 308.46 feet along the arc of a circular curve concave to the Northwest, said curve having a radius of 1,075.00 feet, a central angle of 16°26'23" and a long chord that bears North 26°14'07" East 307.40 feet to a point 125.00 feet left of Station I 569+05.50; thence in a non-tangent direction North 89°49'38" East 144.91 feet to a point on the Westerly right-of-way of said Piert Road, said point being 13.52 feet right of Station I 569+50.00; thence along said Westerly right-of-way South 01°11'59" East 330.08 feet to said REAL POINT OF BEGINNING. The lands herein described contain an area of 3.37 acres, more or less, the specific details concerning all of which are to be found in that certain map of definite location now of record and on file in the office of the Public Works Department, Benton County, Washington. QCD, AF #2006-026573 (8/14/06).  
Liens or Interests of Record: N/A

8. Zoning: Unclassified and designation is heavy industrial
9. Marketing Plan: Benton County Public Works Manager would like to surplus this property and then exchange the property with the Port of Kennewick as part of the needed Right Of Way (ROW) for the Piert Road project. Benton County's property is landlocked and adjacent with Port of Kennewick property.
10. Proposed Amount: Exchange of property – Benton County's property is assessed at \$38,755 and portions of Port of Kennewick property total up to \$95,680.

#### **SALE METHODS – FEE SIMPLE PROPERTY**

If the board authorizes the sale of any county fee simple property, it shall direct that the property be sold by one of the following methods:

1. **Public Auction.** County fee simple property may be sold at public auction to the highest and best bidder. The auction shall be conducted by or through the county treasurer or such other person as the board or treasurer may designate. The treasurer may contract with another government agency or official, or with a private party, to conduct the auction. Advance written notice of the sale shall be provided by publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
2. **Sealed Bids.** County fee simple property may be sold by sealed bids to the highest and best bidder. The sale shall be conducted by the county treasurer or such other person as the treasurer may designate. Advance written notice of the sale shall be provided by publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
3. **Private Negotiation.** County fee simple property may be sold to governmental agencies or private parties by private negotiation upon such terms and conditions as may be mutually agreed upon.
4. **Other Methods.** County fee simple property may be sold through other methods that the board determines are in the best interest of the county in having the property sold in a timely manner for its fair-market value, and in receiving full payment at or before the time of sale.

# RESOLUTION

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:**

**IN THE MATTER DECLARING COUNTY FEE SIMPLE PROPERTY PARCEL NO. 1-2680-400-0009-001 (APPROX. 3.37 ACRES) SURPLUS PROPERTY AND AUTHORIZE THE SALE METHOD OF THE FEE PROPERTY TO BE THROUGH PRIVATE NEGOTIATIONS**

**WHEREAS**, the Benton County Public Works Department acquired parcel no. 1-2680-400-0009-001 in fee simple interest on August 14, 2006 for the amount of \$22,200; and

**WHEREAS**, Benton County Public Works Manager recommends the Board of County Commissioners surplus this property in order to exchange said property for portions of property parcels with the Port of Kennewick for needed right of way for Piert Road; and

**WHEREAS**, said Benton County property is 3.37 acres and is currently assessed at \$38,755 for the 2012 tax assessments with no liens or interest of record, no easements and no improvements on the property; and

**WHEREAS**, the Port of Kennewick property is a total of 8.32 acres and is assessed at \$95,680 for the 2012 tax assessments; **NOW, THEREFORE**

**BE IT RESOLVED**, the Board of Benton County Commissioners, Benton County, Washington concurs with the recommendations and hereby declares parcel no. 1-2680-400-0009-001 surplus and may be sold through private negotiation and or any other sale method consistent with the Benton County Real Property Management Policy.

Dated this ..... day of ....., 20 .....

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman Pro-Tem

\_\_\_\_\_  
Member

Attest: .....  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

| <u>AGENDA ITEM</u> |                                       | <u>TYPE OF ACTION NEEDED</u> |       |                |         |
|--------------------|---------------------------------------|------------------------------|-------|----------------|---------|
| Meeting Date:      | 8/16/11                               | Execute Contract             | _____ | Consent Agenda | ___X___ |
| Subject:           | OPTO22 RFP                            | Pass Resolution              | X___  | Public Hearing | _____   |
| Prepared by:       | <u>D. Pettey</u>                      | Pass Ordinance               | _____ | 1st Discussion | _____   |
| Reviewed by:       | <u>Ryan Lukson &amp; Keith Mercer</u> | Pass Motion                  | _____ | 2nd Discussion | _____   |
|                    |                                       | Other                        | _____ | Other          | _____   |

**BACKGROUND INFORMATION**

The OPTO22 Control System was purchased and installed in 2002 during the Justice Center remodel and construction of the new Jail. The system has received upgrades to both the firmware and software throughout the years. However, there have been no upgrades to the hardware since the system was installed and the last upgrade to the system software was done in 2007.

**SUMMARY**

The equipment currently being used has fallen behind the technology curve. An upgrade in the system will see an improvement in operations (speed and efficiency) as well as limit the potential for catastrophic failure, which could result in a costly replacement of the entire system. The life expectancy of the system is estimated to increase significantly because of the upgrade to the hardware, software, and firmware.

**RECOMMENDATION**

At this time, the Facilities Department would like to solicit proposals to begin the competitive negotiation process pursuant to RCW 39.04.270.

**FISCAL IMPACT**

The estimated cost (as stated in the Draft 2011-2016 Capital Improvement Plan) of the upgrade is approximately \$250,000. The project will be funded through the Jail Depreciation Fund.

**MOTION**

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

**IN THE MATTER OF SOLICITING PROPOSALS FOR UPGRADING THE OPTO22 CONTROL SYSTEM AT THE BENTON COUNTY JUSTICE CENTER AND CORRECTIONS FACILITY**

**WHEREAS**, the Benton County Facilities Department would like to solicit proposals for upgrading the OPTO22 Control System for the Benton County Justice Center and Corrections Facility pursuant to the provisions of RCW 39.04.270 for competitive negotiations; and

**WHEREAS**, the OPTO22 Control System Upgrade project is currently listed as a project in the 2010-2015 Benton County Capital Improvement Plan and in the Draft 2011-2016 Benton County Capital Improvement Plan; **NOW, THEREFORE**,

**BE IT RESOLVED** by the Board of Benton County Commissioners, Benton County, Washington, the Board approves the attached Request for Proposal (RFP) for upgrading of the OPTO22 Control System at the Benton County Justice Center and Corrections Facility and said RFP shall be advertised pursuant to the provisions of RCW 39.04.270 for competitive negotiations; and

**BE IT FURTHER RESOLVED** the proposals will be received by the Benton County Facilities Department at the Benton County Justice Center, 7122 W. Okanogan Place, Kennewick, WA 99336 until 5:00 pm PST on September 7, 2011.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attest: \_\_\_\_\_  
Clerk of the Board

REQUEST FOR PROPOSAL

OPTO22 Control System Upgrade

for

Benton County Jail

August 16, 2011

|   |   |   |
|---|---|---|
| <p><b>AGENDA ITEM</b><br/> <b>MTG. DATE: August 16,2011</b><br/> <b>SUBJECT: 2011 Comprehensive Plan Amendments</b><br/> <b>MEMO DATE: August 9,2011</b><br/> <b>Prepared By: Susan M. Walker</b><br/> <b>Reviewed By: Michael Shuttleworth</b></p> | <p><b>TYPE OF ACTION</b><br/> <b>NEEDED</b><br/> <b>Execute Contract</b><br/> <b>Pass Resolution X</b><br/> <b>Pass Ordinance</b><br/> <b>Pass Motion X</b><br/> <b>Other</b></p> | <p><b>Consent Agenda</b><br/> <b>Public Hearing X</b><br/> <b>1st Discussion</b><br/> <b>2nd Discussion</b><br/> <b>Other</b></p> |
|---|---|---|

**BACKGROUND INFORMATION**

Washington State planning law requires continuing review and evaluation of comprehensive plans pursuant to RCW 36.70A.130(1), allowing revisions and amendments to be considered by the county no more frequently than once every year (RCW 36.70A.130(2)(a)). These 2011 Comprehensive Plan Amendment (CPA) proposals have been evaluated for Comprehensive Plan compliance pursuant to the Comprehensive Plan Amendment Evaluation Criteria provided in BCC 16.14.080.

The Planning Commission held its hearing regarding the proposals on July 12<sup>th</sup>, 2011 and the Board of County Commissioners held a workshop to review the Planning Commission’s findings and information regarding these amendments on August 9<sup>th</sup>, 2011. A hearing has been scheduled for August 16, 2011, at 9:05 am in the Commissioners Hearing room in Prosser to take final action on the 2011 Comprehensive Plan Amendment proposals.

The 2011 Amendment Proposals are as follows:

**● CPA 11-01 (PCM 1)**

**SUMMARY**

At the request of the property owners of Barker Ranch LTD., the Planning Manager has proposed a land use designation change from Rural Lands Five Acre (RL-5) to Open Space Conservation (OS-C) to promote conservation and protection of the natural characteristics and activities that occur on the site shown as **Exhibit PCM 1**. The Barker Ranch consists of approximately 2,044 acres and is recognized as having significant wildlife habitat, with abundant natural wetlands used as game feeding, nesting, rearing, resting and recreational activity.

The area proposed is made up of two parcels with boundaries that straddle Snively and Twin Bridges Roads and depicted in Exhibit PCM 1.1, the Land Use Map; and PCM 1.2, Aerial Site Map). These parcels are located in Sections 23, 24, 25, & 43, of Township 10N., Range 27 E.W.M. and Sections 19, 29, 30, & 31 of Township 10N., Range 28 E.W.M., in an area West of the City of Richland, bordering the Yakima River and northerly to the Horn Rapids Ditch.

**RECOMMENDATION**

It is the recommendation of the Benton County Planning Commission and Planning Staff, that the Board of County Commissioners approve and adopt amendment proposal **CPA 11-01**, a land use designation change from Rural Lands Five Acre (RL-5) to Open Space Conservation (OS-C) and direct staff to amend Land Use Maps 4.0 and 4.5, in Chapter Four, The Land Use Element, the boundaries as depicted in Exhibit PCM 1.1, and include in Chapter Four, on page 4-47, the text that describes the Open Space-Conservation land use designation shown on page three of PCM 1. Revisions may be necessary in other areas of the Plan containing text related to the current use of the Barker Ranch property.

**MOTION**

After consideration of the testimony received at the public hearing held on August 16<sup>th</sup>, 2011, the Board shall make a motion to adopt, modify, or deny the proposed CPA 11-01 and either adopt the Planning Commission’s Recommendation and Findings of Fact or develop their own findings of fact with reference to this matter and direct Planning staff to prepare a Resolution that reflects the Board’s decision and findings for the Boards signature.

**● CPA 11-02 (PCM 2)**

**SUMMARY**

A proposal received from the Benton County Public Works Department to add two proposed road projects to Maps 8.0 and 8.1 in Chapter Eight, the Transportation Element, as adopted by the County in the 2011-2016 Six Year Road Program. New projects shown in Exhibit PCM 2.1 & PCM 2.2 for inclusion are: 1) an extension of Locust Grove Road between Clodfelter and Edwards roads, and 2) an extension of Coffin Road between Nine Canyon and Meals roads.

**RECOMMENDATION**

It is the recommendation of the Benton County Planning Commission and Planning Staff, that the Board of County Commissioners approves and adopts amendment proposal **CPA 11-02**, adding two proposed road projects to Maps 8.0 and 8.1 in Chapter Eight, the Transportation Element.

**MOTION**

After consideration of the testimony received at the public hearing held on August 16<sup>th</sup>, 2011, the Board shall make a motion to adopt, modify, or deny the proposed amendment CPA 11-02 and either adopt the Planning Commission’s recommendation and Findings of Fact or develop your own findings of fact with reference to this matter and direct Planning staff to prepare a Resolution that reflects the Board’s decision and findings for the Boards signature.

**● CPA 11-04 (PCM 3)**

**SUMMARY**

The proposed Housekeeping amendments are being made to update and improve the

accuracy of the information contained in various chapters of the Plan and its maps to reflect current conditions and other revisions necessary in response to recently adopted legislation.

**STAFF ITEM 1: Chapter Three, Goals and Policies:**

Adding Goals and Policies re: Electric Vehicles and Electric Vehicle Charging Stations.

**STAFF ITEM 2: Chapter Four, Land Use Element:**

Update Maps re: Cities Preferred Land Use Maps for areas within City's Urban Growth Areas (Exhibits 2A-E).

**STAFF ITEM 3: Chapter Four, Land Use Element:**

Minor edits to Land Use Map shown in Exhibits 3A-C.

**STAFF ITEM 4: Chapter Four, Land Use Element:**

Amend to include a discussion of sub-area plans on page 4-4, shown in the attached Exhibit 4A, and the inclusion of the Open Space-Conservation land use designation language on page 4-47, shown in attached Exhibit 4B.

**STAFF ITEM 5: Chapter Five, Rural Element**

Add a "Rural Character" definition and "variety of rural densities" discussion, shown in Exhibit 5.

**STAFF ITEM 6: Chapter Nine, Capital Facilities Element**

Add proposed language on pages 9-10 and 9-11, explaining the relationship and link between a City's Capital Facility Plan (CFP) and the County's Comprehensive Plan as shown in Exhibit 6.

**STAFF ITEM 7: Chapter Four Appendices**

Add amendments that update the Matrix in the Chapter Four Appendix, on page 40-A, replacing the old zoning district names with the newly adopted 2011 Zoning districts as shown in Exhibit 7.

**STAFF ITEM 8: Minor edits Various Chapters**

Minor edits are shown in Exhibit 8 that correct, clarify and improve the accuracy of the information contained in the Plan and its Maps.

**RECOMMENDATION**

It is the recommendation of the Benton County Planning Commission and Planning Staff, that the Board of County Commissioners approves and adopts amendment proposal **CPA 11-04**, containing various Housekeeping items proposed by staff and shown in PCM 4, Items 1-8.

**MOTION**

After consideration of the testimony received at the public hearing held on August 16<sup>th</sup>, 2011, the Board shall make a motion to adopt, modify, or deny the proposed amendment **CPA 11-04** and either adopt the Planning Commission's recommendation and Findings of Fact or develop your own findings of fact with reference to this matter and direct Planning staff to prepare a Resolution that reflects the Board's decision and findings for the Board's signature.

**State Environmental Policy Act**

The Comprehensive Plan Amendments have been reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on June 10, 2011.

**FISCAL IMPACT**

No fiscal impacts have been identified regarding these planning proposals.

**EXHIBIT LIST FOR CPA 11-01**  
**Benton County Planning Manager at the request of Barker Ranch LTD.**

| <b>Planning Commission Exhibit List - July 12, 2011</b>           |                |   |                  |
|---|----------------|---|------------------|
| <b>PCM 1</b>  | PCM 1          | Staff Memo  | July 1, 2011     |
|   | PCM 1.1        | Barker Ranch Land Use Map                                 | June 27, 2011    |
|   | PCM 1.2        | Aerial Map of Barker Ranch                                | June 27, 2011    |
|   | PCM 1.3        | Existing Land Use Map 4.5 showing Barker Ranch            | October 22, 2007 |
|   | PCM 1.4        | Resolution 11-281   | April 25, 2011   |
|   | PCM 1.5        | Vision & Goals of the Richland Planning Area Committee    |                  |
|   | PCM 1.6        | Critical Resource Lands Goals & Policies                  |                  |
|   | PCM 1.7        | Letter from Barker Ranch LTD to Michael Shuttleworth      | October 23, 2010 |
|   | PCM 1.8        | Email from Eric Black, Pres. Barker Ranch to Susan Walker | March 31, 2011   |
|   | PCM 1.9        | Notice of Public Hearing                                  | June 23, 2011    |
|   | PCM 1.10       | Determination of Non Significance                         | June 10, 2011    |
|   | PCM SEPA       | Environmental Checklist for 2011 CPA'S                    | May 12, 2011     |
| <b>Planning Commission Hearing Exhibit List - July 12, 2011</b>   |                |   |                  |
| <b>PCH 1</b>  | <u>PCH 1.1</u> | Email from Eric Black, Pres. Barker Ranch to Susan Walker | July 11, 2011    |
| <b>Board of County Commissioners Exhibit List August 16, 2011</b> |                |   |                  |
| <b>CCM 1</b><br>Includes:   | CCM 1.1        | Board of County Commissioners Agenda Sheet                | August 9, 2011   |
|   | CCM 1.2        | Planning Commission Findings                              | July 21, 2011    |
|   | CCM 1.3        | Notice of Public Hearing                                  | July 1, 2011     |
| <b>Board of County Commissioners Hearing Exhibit List</b>         |                |   |                  |
| <b>CCH 1</b><br>Includes:   | CCH 1.1        |   |                  |
|   | CCH 1.2        |   |                  |
|   | CCH 1.3        |   |                  |

**The Exhibit Numbers are found in the  
Top Right Hand Corner of each document.**

**PCM = Planning Commission Memo Exhibits**  
**PCH = Exhibits submitted during Hearing**  
**CCM = County Commissioner Memo Exhibits**  
**CCH = Exhibits submitted during Hearing**

**EXHIBIT LIST FOR CPA 11-02  
Benton County Public Works**

| <b>Planning Commission Application Exhibit List</b>               |          |  |                   |
|---|----------|--|-------------------|
| <b>PCR</b>  | PCR 2.0  | Application & Attachments                  | November 24, 2010 |
| <b>Planning Commission Staff Memo Exhibit List</b>                |          |  |                   |
| <b>PCM 2</b>  | PCM 2    | Staff Memo                                 | July 1, 2011      |
|   | PCM 2.0  | Transportation Map 8.0                     |                   |
|   | PCM 2.1  | Transportation Map 8.1                     |                   |
|   | PCM 2.2  | Notice of Public Hearing                   | June 23, 2011     |
|   | PCM 2.3  | Determination of Non Significance          | June 10, 2011     |
|   | PCM 2.4  | Email from Sue Schuetze                    | June 15, 2011     |
|   | PCM SEPA | Environmental Checklist for 2011 CPA'S     | May 12, 2011      |
| <b>Board of County Commissioners Exhibit List August 16, 2011</b> |          |  |                   |
| <b>CCM 2</b><br>Includes:   | CCM 2.1  | Board of County Commissioners Agenda Sheet | August 9, 2011    |
|   | CCM 2.2  | Planning Commission Findings               | July 21, 2011     |
|   | CCM 2.3  | Notice of Public Hearing                   | July 1, 2011      |
| <b>Board of County Commissioners Hearing Exhibit List</b>         |          |  |                   |
| <b>CCH 2</b><br>Includes:   | CCH 2.1  |  |                   |
|   | CCH 2.2  |  |                   |
|   | CCH 2.3  |  |                   |

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**PCH = Exhibits submitted during Hearing**  
**CCM = County Commissioner Memo Exhibits**  
**CCH = Exhibits submitted during Hearing**

**EXHIBIT LIST FOR CPA 11-04  
Staff Housekeeping Edits**

| <b>Planning Commission Exhibit List - July 12, 2011</b>           |          |  |                |
|---|----------|--|----------------|
| <b>PCM 3</b>  | PCM 3    | Staff Memo W/Exhibits 2 through 8          | July 1, 2011   |
|   | PCM 3.1  | Notice of Public Hearing                   | June 23, 2011  |
|   | PCM 3.2  | Determination of Non Significance          | June 10, 2011  |
|   | PCM 3.3  | Email from Sue Schuetze                    | June 15, 2011  |
|   | PCM SEPA | Environmental Checklist for 2011 CPA'S     | May 12, 2011   |
| <b>Board of County Commissioners Exhibit List August 16, 2011</b> |          |  |                |
| <b>CCM 3</b><br>Includes:   | CCM 3.1  | Board of County Commissioners Agenda Sheet | August 9, 2011 |
|   | CCM 3.2  | Planning Commission Findings               | July 21, 2011  |
|   | CCM 3.3  | Notice of Public Hearing                   | July 1, 2011   |
| <b>Board of County Commissioners Hearing Exhibit List</b>         |          |  |                |
| <b>CCH 3</b><br>Includes:   | CCH 3.1  |  |                |
|   | CCH 3.2  |  |                |
|   | CCH 3.3  |  |                |

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## EXHIBIT LIST FOR SUB 11-01/EA11-07

| <b>Planning Commission Application Exhibit List</b>            |          |  | <b>DATED</b>      |
|--|----------|--|-------------------|
| <b>PCR 1</b><br>Includes:                                      | PCR 1.1  | Preliminary Plat Application                                 | February 8, 2011  |
|  | PCR 1.2  | Preliminary Hydrology Report                                 | February 8, 2011  |
|  | PCR 1.3  | Environmental Checklist                                      | February 8, 2011  |
|  | PCR 1.4  | Preliminary Plat Map for Dove Ridge                          | February 10, 2011 |
| <b>Planning Commission Staff Memo Exhibit List</b>             |          |  |                   |
| <b>PCM 1</b><br>Includes:                                      | PCM 1.1  | Staff Memo   | April 1, 2011     |
|  | PCM 1.2  | Aerial Photo of the Site                                     | February 8, 2011  |
|  | PCM 1.3  | Notice of Open Record Hearing                                | March 28, 2011    |
|  | PCM 1.4  | Notice of Application  | February 14, 2011 |
|  | PCM 1.5  | Determination of Non Significance                            | March 11, 2011    |
|  | PCM 1.6  | Comments from Ben Franklin Transit                           | February 15, 2011 |
|  | PCM 1.7  | Comments from Frontier Communications Northwest Inc          | February 15, 2011 |
|  | PCM 1.8  | Comments from the Benton County Assessor's                   | February 17, 2011 |
|  | PCM 1.9  | Comments from Benton County Fire District 1                  | February 18, 2011 |
|  | PCM 1.10 | Comments from the Benton County Public Works                 | February 23, 2011 |
|  | PCM 1.11 | Comments from the Benton County Public Works                 | February 24, 2011 |
|  | PCM 1.12 | Comments from the Bonneville Power Administration            | February 18, 2011 |
|  | PCM 1.13 | Comments from Benton PUD                                     | February 24, 2011 |
|  | PCM 1.14 | Comments from Benton-Franklin Health District                | February 25, 2011 |
|  | PCM 1.15 | Comments from Benton County Fire Marshal                     | February 25, 2011 |
|  | PCM 1.16 | Comments from Kennewick Irrigation District                  | March 1, 2011     |
|  | PCM 1.17 | Comments from Dept. of Ecology                               | March 1, 2011     |
|  | PCM 1.18 | Comments from City of Kennewick                              | March 7, 2011     |
| <b>Planning Commission Hearing Exhibit List April 12, 2011</b> |          |  |                   |
| <b>PCH 1</b><br>Includes:                                      | PCH 1.1  | Comments from the City of Kennewick Traffic Engineer         | February 25, 2011 |
|  | PCH 1.2  | Comments from the City of Kennewick Utility Coordinator      | February 28, 2011 |
|  | PCH 1.3  | Aerial Photo with Plat overlay of the site                   | April 1, 2011     |
|  | PCH 1.4  | Email from Matt Smith, Applicant                             | April 8, 2011     |
| <b>Planning Commission Hearing Exhibit List May 10, 2011</b>   |          |  |                   |
| <b>PCH 2</b><br>Includes:                                      | PCH 2.1  | Staff Memo   | May 2, 2011       |
|  | PCH 2.2  | Email from Matt Smith, Applicant                             | April 29, 2011    |
| <b>Planning Commission Hearing Exhibit List June 14, 2011</b>  |          |  |                   |
| <b>PCH 3</b><br>Includes:                                      | PCH 3.1  | Staff Memo   | June 6, 2011      |
|  | PCH 3.2  | Email from Clark Posey to Applicant                          | June 3, 2011      |
|  | PCH 3.3  | Email from Matt Smith, Applicant                             | June 3, 2011      |
| <b>Planning Commission Hearing Exhibit List July 12, 2011</b>  |          |  |                   |
| <b>PCH 4</b><br>Includes:                                      | PCH 4.1  | Staff Memo   | June 30, 2011     |
|  | PCH 4.2  | Email from Clark Posey to Applicant                          | June 24, 2011     |
|  | PCH 4.3  | Email from Matt Smith, Applicant                             | July 7, 2011      |
|  | PCH 4.4  | Email from Clark Posey to Applicant                          | July 7, 2011      |
|  | PCH 4.5  | Email from Ryan Liddicoat, Worley Surveying re: BPA Comments | July 11, 2011     |
|  | PCH 4.6  | Email from Peter Beaudry, City of Kennewick                  | July 12, 2011     |
| <b>Board of County Commissioners Exhibit List</b>              |          |  |                   |
| <b>CCM 1</b><br>Includes:                                      | CCM 1.1  | Board of County Commissioners Agenda Sheet                   | July 27, 2011     |
|  | CCM 1.2  | Planning Commission Recommendation                           | July 21, 2011     |
| <b>Board of County Commissioners Hearing Exhibit List</b>      |          |  |                   |
| <b>CCH 1</b><br>Includes:                                      | CCH 1.1  |  |                   |
|  | CCH 1.2  |  |                   |

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|   |   |  |
|---|---|--|
| <b>AGENDA ITEM</b><br><b>MTG. DATE:</b> August 16, 2011<br><b>SUBJECT:</b> Preliminary Plat of Dove Ridge<br>SUB 11-02<br><b>MEMO DATE:</b> July 27, 2011<br><b>Prepared By:</b> Clark A. Posey<br><b>Reviewed By:</b> Michael Shuttleworth | <b>TYPE OF ACTION</b><br><b>NEEDED</b>  | Consent Agenda<br>Public Meeting      X<br>1st Discussion<br>2nd Discussion<br>Other |
|   | Execute Contract<br>Pass Resolution      X<br>Pass Ordinance<br>Pass Motion      X<br>Other |  |

**BACKGROUND INFORMATION**

On July 12, 2011, the Benton County Planning Commission conducted an open record hearing on the proposed preliminary plat of Dove Ridge – SUB 11-01. This subdivision consists of 15.83 acres to be divided into 21 single-family lots. After closing the Open Record Hearing and discussing the proposed plat, the Planning Commission made a recommendation to approve the preliminary plat of Dove Ridge as presented with conditions. The Planning Commission’s record and recommendation for SUB 11-01 is being submitted for your review and decision. The Board has set a public meeting for August 16, 2009 at 9:05 a.m. to review the record and recommendation of the Planning Commission.

The Board of County Commissioners must make a final decision on the preliminary plat application based on the Planning Commission’s Open Record Hearing. The Planning Commission held an Open Record Hearing on July 12, 2011 and therefore, the Board of County Commissioners cannot consider any testimony other than that testimony that was presented to the Planning Commission at their Open Record Hearing. Attached for the Board’s review is a copy of the Planning Commission Record and their signed Recommendation, Findings and Conclusion.

**SUMMARY**

The Benton County Planning Commission has completed the open record hearing for the preliminary plat application of Dove Ridge – SUB 11-01. The Board of County Commissioners will consider the preliminary plat and recommendation of the Planning Commission at a public meeting on August 16, 2011.

**RECOMMENDATION**

After closing the Open Record Hearing and discussing the issue, the Planning Commission voted to recommend approval of the preliminary plat as presented with conditions. After reviewing the information presented at the public meeting, the Planning staff recommends that the Board adopt the Planning Commission’s recommendation, Findings and Conclusions and approve the proposed preliminary plat.

**FISCAL IMPACT:**    None.

**MOTION**

If the Board agrees with the Planning Commission and Planning Department, the Board can adopt the Planning Commission Recommendation, Findings and Conclusions as their own and approve the preliminary plat of Dove Ridge – SUB 11-01 with conditions.

If however, the Board disagrees with the Planning Commission and Planning Department’s recommendation then the Board will have to complete your own Findings and either approve the plat with additional conditions or deny the plat. If based on the Planning Commission’s record, you wish to complete your own findings; the Planning Department could draft the Boards findings and conclusions for the Board’s approval.