

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting  
Wednesday, August 4, 2010, 10:30 a.m.  
Commissioners' Conference Room  
Benton County Justice Center, Kennewick, WA

**Present:** Chairman James Beaver  
Commissioner Leo Bowman  
Commissioner Max E. Benitz, Jr.  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Assessor Barb Wagner; DPA Ryan Brown; Building Manager Steve Brown; Fire Marshal Ken Williams; Planning Manager Mike Shuttleworth; RJ Lott, Planning; Public Works Manager Steve Becken.

#### Draft – Short Plat Ordinance

Mike Shuttleworth provided a memo and two separate draft ordinances as recommended by the Planning Commission and the Planning Department that would amend BCC Chapter 9.04 relating to short plats and access to those short plats.

Mr. Brown said the goal today was to come up with a draft ordinance to go to public hearing.

Chairman Beaver said the Board should set a standard for subdivided property and the process should be easy and as clear as possible, without several options. He suggested that private road easements be 60 feet in width to avoid any future problems if the property were later subdivided. He said that private road easements were an agreement between two individual parties and he didn't want the County to be part of that arrangement or to be in the "regulation" business.

Commissioner Benitz said if the Board decided to change the short plat process that it should start with a clean slate and not be retroactive. Additionally, he provided written information requesting changes to the Planning Department's version and requested the following changes (in summary):

- Applicability (adding language that short plats not be permitted on lots, parcels or tracts located wholly within a designated urban growth area)
- Imposing a limit of four (4) or fewer lots to be accessed by a private access easement with a width of at least 40 feet;
- If a short plat would result in one private access easement serving more than four (4) lots, access is required to be a dedicated and constructed public road with widths and standards as required by the County Engineer.

- Define more fully (by highlighting or bold, etc.) the new sections being implemented from the fire code.
- Allowing an additional extension beyond the allowed one-year extension to complete the short plat process.

The Board agreed with the changes as suggested by Commissioner Benitz with the exception of allowing an additional one-year extension.

**Obstruction of Private Access Easements**

Ken Williams provided a memo discussing the issues regarding obstruction of private access easements and offered two options: (1) Continue with Benton County’s existing position that private access easements were private property rights and should be decided in civil court if necessary; or (2) amend the Benton County Code to make it illegal to obstruct a private road.

Additionally, Mr. Williams said if the Board decided to continue with its existing position, it could add a section in the code that made it abundantly clear that enforcement of those rights was a civil issue.

The Board agreed it did not want to regulate easements and that the code should be made clear that it was a civil and private issue.

Chief Spring said he appreciated the changes relating to short plats, however, was still concerned about Willamette Heights. He said it had multiple contiguous lots and access was a real problem because easements were blocked and road signs were not up.

A gentleman in the audience said he was concerned that access to his lot was blocked and that he would have to go to a judge so that emergency vehicles could access his property.

The Board also discussed the issue of property addressing (street signs and house numbering, etc.) and that some places did not have the proper addressing. Chief Spring said there were not designated streets of any kind in that area and the County also needed to plan for the streets that were already being used.

Mr. Brown said there would also be corresponding amendments to the fire code that reflected the changes made in the short plat ordinance (that were previously in the fire code).

Chairman Beaver asked that a solution for the numbering system be researched and brought back to the Board. Additionally, he asked for a summary of the proposed changes to the ordinances be brought back to the Board before the public hearing.

There being no further business before the Board, the meeting adjourned at approximately 12:00 p.m.

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Clerk of the Board

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Chairman