

November 8, 2010

**THE BOARD OF
BENTON COUNTY
COMMISSIONERS
AGENDA PACKET**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
November 1, 2010, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, 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: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Human Services Manager Ed Thornbrugh; Nick Kooiker, Treasurer's Office; DPA Ryan Brown; Larry Moser and Bryan Thorp, Public Works.

Workshop Agenda

WSAC Legislative Steering Info

Commissioner Bowman said he would be meeting with WSAC on November 8 if the Board had any comments on the information he provided. Commissioner Benitz asked him to keep the Board apprised on where the State and WSAC was heading with the E-911 issue. Chairman Beaver said he would like WSAC to come up with some good questions to the government on how they proposed fixing the current budget problems.

Hanford Tour

Commissioner Bowman commented on the Hanford Tour. Additionally, he said one of the gentlemen with him shared a concern that once the stimulus money was gone, it would be "off the cliff" and between 1,500 to 3,000 employees would be laid off. He said they should do everything they can to soften that blow (as well as prevention with economic development).

Landfill Tour – Roosevelt

Commissioner Bowman reported on the Roosevelt Landfill tour he attended with Commissioner Beaver and Adam Fyall and its use of methane gas.

Request for Public Information

Commissioner Bowman discussed a recent request from an inmate in Connell for all settlement agreements for the last 20 years. He said he didn't know how much this would cost and what the legitimacy of this request was. He said they needed some kind of "re-working" of those kinds of rules for the requests that did not have real purpose, as opposed to legitimate requests for information.

The Board briefly recessed, reconvening at 9:00 a.m.

Approval of Minutes

The Minutes of October 19, October 20, and October 25, 2010 were approved.

Consent Agenda

MOTION: Commissioner Benitz moved to approve the consent agenda items "a" through "m". Commissioner Bowman seconded and upon vote, the Board approved the following:

Auditor

- a. Surplus of Personal Property

Board of Equalization

- b. Line Item Transfer, Fund No. 0000-101, Dept. 103

District Court

- c. Interlocal Cooperative Agreement w/State of WA Administrative Office of the Courts
- d. Line Item Transfer, Fund No. 0000-101, Dept. 111

Human Services

- e. Service Agreement, #PSA-BHAC-2010-11, w/Bruce Heating & Air Conditioning
- f. Agreement, #10/11-PREV-BFSAC-00, w/BF Substance Abuse Coalition
- g. Contract, #1063-10778, w/Department of Social and Health Services

Noxious Weed

- h. Contract Amendment w/Native Plant Landscaping and Restoration, LLC

Office of Public Defense

- i. Revising Amounts Credited Toward Inmate Fines; Rescinding Resolution 10-602
- j. Professional Services Agreement w/C Alden

Parks

- k. Service Contract w/Conrad Russell Excavation LLC for Higgins Airfield Project
- l. Sublease Agreement w/Tri-Cities Shooting Association

Public Works

- m. Order and Agreement for Nonexclusive Franchise to Eaton Park Improvement Club

Chairman Beaver requested the Adoption of the 2011 One-Year Road Program be moved to 9:05 a.m. and the Benton City EDC Update be moved to 9:35 a.m. The Board agreed.

The Board briefly recessed, reconvening at 9:05 a.m.

2011 - One-Year Road Program

Commissioner Bowman said he did not yet have the background information on the request by Commissioner Benitz to fund Travis Road and was uncomfortable with dedicating \$1.5 million to that project. He said it was now on the list for 2014 and he had not been asked to go out and see the project nor had he seen a presentation. He said they could leave it on the Capital Facilities Plan as is, but could do it in 2011 if the county staff was ready to go and if the project met the need. Commissioner Bowman recommended the Board adopt the one-year road program as presented without dedicating \$1.5 million from Capital to the Travis Road project.

Commissioner Benitz said Travis Road was an important farm to market road and did not have a base and had deteriorated beyond repair. He said it had been listed on the capital facilities program and he wanted it to be built to an "all-weather standard" because there was a tremendous amount of agricultural product that used that road.

Chairman Beaver asked if the Board could move the money at any time if it wanted to fund this project. Mr. Sparks said if the Board had any doubt, he would prefer not to move it until it was ready to fund the project. Chairman Beaver said that having a project on list that was unfunded was not uncommon and the County should hang onto its cash as long as it could. He said he wanted to keep Travis Road in the pipeline.

MOTION: Commissioner Bowman moved to approve the 2011 One-Year Road Program as presented by staff. Chairman Beaver seconded and upon vote, the motion carried with Commission Benitz opposing.

The Board briefly recessed, reconvening at 9:35 a.m.

Benton City Economic Development Council Update

Randy Rutledge, Mayor Carnahan, Heather Duncan, and Bea Baker gave an update on Benton City EDC. Mr. Rutledge discussed grants received (\$30,000 grant and \$10,000 grant), accomplishments, new businesses opened in the last two years, new development, and new fiber optic. Additionally, he reviewed the proposed 2011 Work Plan and requested funding in the amount of \$5,000 for 2011.

Commissioner Bowman said it would be helpful to have a list of projects and partnerships funded by the County and the Board asked Mr. Fyall to provide a summary of economic development projects.

The Board said it would be addressing these types of contracts and budgeting funds for potential projects at the budget recap.

Unscheduled Visitors/Other Business

Health District Lease

Ms. Loretta Smith Kelty provided a new lease agreement with the Health District for the Board's approval.

MOTION; Commissioner Benitz moved to approve the Amended and Restated Lease Agreement between Benton County and Benton-Franklin Health District (providing for Human Services to operate in that facility). Commissioner Bowman seconded.

Discussion

Commissioner Bowman asked if the Board needed to list the other lessees and it was stated that would be in a separate lease with the County.

Chairman Beaver said the motion before the Board was to approve the Amended and Restated Lease Agreement between Benton County and Benton-Franklin Health District.

Commissioner Bowman said the unused space was actually designed for Clean Air Authority, and they opted to not lease the space and it had been empty all this time and the subsequent lease provided for nonexclusive use of the common area.

Chairman Beaver said it would give Benton County the option to rent unused space in a building that Benton County owned.

Upon vote, the motion carried unanimously.

Claim for Damages

CC 2010-15: Received on October 19, 2010 from Brent Cook

CC 2010-16: Received on October 25, 2010 from Fontier

Vouchers

Check Date: 10/29/2010

Warrant #: 21331-21549

Taxes #: 10102

Total all funds: \$6,448,542.51

Check Date: 10/29/2010

Warrant #: 21550-21821

Total all funds: \$14,945.13

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

Resolutions

- 10-647 Surplus of Personal Property
- 10-648 Line Item Transfer, Fund No. 0000-101, Dept. 103
- 10-649 Interlocal Cooperative Agreement w/State of WA Administrative Office of the Courts
- 10-650 Line Item Transfer, Fund No. 0000-101, Dept. 111
- 10-651 Service Agreement, #PSA-BHAC-2010-11, w/Bruce Heating & Air Conditioning
- 10-652 Agreement, #10/11-PREV-BFSAC-00, w/BF Substance Abuse Coalition
- 10-653 Contract, #1063-10778, w/Department of Social and Health Services
- 10-654 Contract Amendment w/Native Plant Landscaping and Restoration, LLC
- 10-655 Revising Amounts Credited Toward Inmate Fines; Rescinding Resolution 10-602
- 10-656 Professional Services Agreement w/C Alden
- 10-657 Service Contract w/Conrad Russell Excavation LLC for Higgins Airfield Project
- 10-658 Sublease Agreement w/Tri-Cities Shooting Association
- 10-659 Order and Agreement for Nonexclusive Franchise to Eaton Park Improvement Club
- 10-660 Approval of 2011 Annual Road Program
- 10-661 Amended and Restate Lease Agreement Between Benton County and Benton-Franklin Health District

There being no further business before the Board, the meeting adjourned at approximately 10:12 a.m.

Clerk of the Board

Chairman

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting
Budget Recap
November 2, 2010, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, 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: Deputy Administrator Loretta Smith Kelty; Finance Manager Keith Mercer; Treasurer Duane Davidson; Auditor Brenda Chilton; Assessor Barb Wagner; Erhiza Rivera and Nick Kooker, Treasurer's Office; Superior Court Administrator Pat Austin; Superior Court Judge Carrie Runge; Juvenile Administrator Sharon Paradis; Superior Court Judge Cameron Mitchell; Jennifer Bowe, Juvenile Court Administrator; District Court Administrator Jacki Delvin; Dixie Jameson; Reva Kirby; Clerk Josie Delvin; Ed Thornbrugh, Human Services; Mike Shuttleworth, Planning; Pat Powell; Central Services Manager Randy Reid.

Budget Recap

David Sparks said the proposed budget had a \$387,000 deficit before enhancements and the Board needed to address some issues before approving it to go to hearing. Mr. Sparks summarized the following recommendations based on individual board member proposals:

1. Adult and Juvenile Drug Court - currently not in the baseline budget. If the Board decided to fund it, recommended the following:
 - a. Create a separate department with two subsections;
 - b. Verify participants are Benton County residents only;
 - c. Review annually and bi-annually (not to be included in future baseline budgets); look at funding through cash carry forward (like Park Dev. Fund and Fairgrounds Improvement Fund).
2. Work Crew 3 – eliminate due to loss of Community Litter Patrol Grant (based on Board's policy that when funding goes away the program goes away).
3. Inmate Benevolence Fund – will be a deficit in this fund. In order to maintain solvency:

- a. Eliminate three positions - 2 trustees and 1 clerk (clerk position is currently vacant);
 - b. Change 2 positions in Dept. 120 from Corrections Officers to Trustees.
4. New Clerk position - if approved by the Board, recommend the offices work together to find another revenue source other than Current Expense for the 15%.
 5. Vehicles – Dept. 121 – eliminate two vehicles (need to remain at 12 vehicles annually, not 13).

Mr. Sparks said if the Board concurred with these recommendations, it would put the County in a balanced budget situation.

Commissioner Bowman said he agreed with the recommendations for Drug Court and wanted to do what was best for Benton County citizens.

Commissioner Benitz said he agreed with Drug Court recommendations and wanted it to be funded out of capital for one year, put a the cap on 30 people and have it be only Benton County residents. He said he wanted it to be reviewed at the end of the year and funding it from Capital would not create a baseline above the current baseline for 2011-2012.

Commissioner Bowman asked about the use of capital funds and whether this would come from the same source as capital. Mr. Sparks said it would come from the same place that capital funds came from (cash carry forward). Commissioner Bowman said he agreed it should be looked at each year before it was funded but did not believe it should come from capital but be funded like Park Development and Fairgrounds Improvement from cash carry forward.

Chairman Beaver said he agreed with the recommendations. The Board agreed it should not be built into the baseline budget.

Commissioner Bowman said he also agreed with the recommendations for elimination of Work Crew 3.

Commissioner Benitz said he agreed with that recommendation. However, there were other issues that needed to be looked at before budget adoption. Commissioner Benitz said the County would be \$5.8 million out of round with current expenditures if it didn't have any new revenue and other direction should given to make sure the budget would balance for the future. He said insurance costs and union issues had not been addressed that would impact the budget. He said the following issues should be addressed:

1. Drug Court – can be addressed in cash carry forward; CASA program – he said he supported the program and wanted it maintained;
2. Retiring judge accumulated leave compensation issue;
3. Grant programs – Human Services and other departments would be taking tremendous hits from the State;
4. Juvenile Justice efficiencies with grants going away;

Commissioner Benitz said he wanted to go through the budget page by page to incorporate changes.

Commissioner Bowman said if he wanted to go through the line items, he was not opposed to that.

Commissioner Benitz asked if the proposal included the Assessor position and Mr. Sparks said that position was a new request. Commissioner Benitz said the Planning Department should look at a hearings examiner because it would bring in revenue and would be a better process for code enforcements.

Commissioner Bowman said if there was plan that outlined it would be beneficial, he had not seen it but at this time was not in favor of the Hearings Examiner.

Chairman Beaver said he was not going to micro-manage the elected officials departments. He said the last time the Board went through the budget process, they asked for a 2% reduction and the elected officials brought the reductions to the Board. He said he was in favor of the proposal and recommendations from Mr. Sparks and did not believe the Board could grant the requests, but they would have to be looked at another time.

Commissioner Benitz asked how the Board was going to address the \$5.8 million deficit in 2013 if it didn't look at efficiencies in the budget they were setting today. He said the County would not be able to balance the budget in 2013 without a tremendous amount of layoffs. Chairman Beaver said he understood the future was not bright.

Commissioner Bowman said the purpose of the biennium budget was set the stage for the future and they would be scheduling a mid-term review. He said he agreed the Board could move forward with the budget as presented and as things happen, the Board could react and do what was needed.

Chairman Beaver and Commissioner Bowman agreed to move forward with recommendations as presented by staff for budget adoption on the November 22, 2010.

There being no further business before the Board, the meeting adjourned at approximately 9:40 a.m.

Clerk of the Board

Chairman

a

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF CONTRACT BETWEEN BENTON COUNTY DISTRICT COURT AND WASHINGTON COLLECTORS FOR COLLECTION SERVICES.

WHEREAS, Jacki Lahtinen, District Court Administrator, believes it is in the best interest of the District Court that the Collection Services Agreement between Washington Collectors and Benton County District Court be approved as presented for the term commencing January 1, 2011 and terminating December 31, 2011, **NOW, THEREFORE**

BE IT RESOLVED, that the Board of Benton County Commissioners is hereby authorized to sign, on the behalf of Benton County.

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

COLLECTION SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between BENTON COUNTY, a political subdivision of the State of Washington ("County") and WASHINGTON COLLECTORS TRI-CITIES, INC., a Washington corporation ("Collectors").

WITNESSETH:

WHEREAS, the Benton County District Court is a court of limited jurisdiction pursuant to Title 3 RCW; and

WHEREAS, the District Court has criminal jurisdiction to impose fines of up to five thousand dollars (\$5,000.00) and to assess court costs and costs of prosecution; and

WHEREAS, some criminal defendants, traffic offenders and persons committing infractions have failed to pay part or all of their fines, costs and assessments, thereby placing a great burden on the administration of the criminal justice system in Benton County; and

WHEREAS, RCW 3.02.045 and RCW 19.16.500 authorize the use of collection agencies by courts of limited jurisdiction for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments or forfeitures that have been imposed by the courts; and

WHEREAS, Washington Collectors Tri-Cities, Inc., is a licensed collection agency pursuant to the provisions of Chapter 19.16 RCW; and

WHEREAS, the parties have worked successfully together for a number of years, and

WHEREAS, the Board of County Commissioners has determined that the public interest of obtaining services of the highest quality at the lowest cost is best served by entering into this Agreement,

NOW THEREFORE, in consideration of the covenants and agreements herein contained and the terms and conditions hereof, the parties agree as follows:

1. **TERM.** This Agreement shall commence January 1, 2011 and terminate on December 31, 2011, unless extended by mutually executed amendment to this Agreement.
2. **SCOPE OF SERVICES.** Collectors shall do all work and furnish all equipment, labor and materials necessary to collect unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments or forfeitures that have been imposed by the Benton County District Court as required under this Agreement.
3. **SERVICES TO BE PERFORMED.** Collectors shall provide the following services as directed by the District Court Administrator:

b

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
DEPARTMENT OF HUMAN SERVICES FUND NUMBER 0108-101,
DEPARTMENT NUMBER 504.

BE IT RESOLVED, by the Board of Benton County Commissioners, that funds shall be transferred as outlined in Exhibit "A", attached hereto.

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

Constituting the Board of County Commissioners
of Benton County, Washington.

Attest: _____
Clerk of the Board

cc: Human Services; Auditor; File

IVEY

C

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF A SERVICE CONTRACT BETWEEN BENTON COUNTY AND LESLIE & CAMPBELL, INC. FOR ROOF REPAIR/REPLACEMENT ON THE KENNEWICK MAINTENANCE SHOP BUILDING LOCATED IN KENNEWICK, WASHINGTON

WHEREAS, per Resolution 10-621 dated October 18, 2010, the Board of Benton County Commissioners awarded the services for the roof repair/replacement on the Kennewick Maintenance Shop Building to Leslie & Campbell, Inc., Union Gap, Washington, as the lowest responsive bidder in the amount of \$31,469.00 plus Washington State Sales Tax (WSST) and authorized a contract to be negotiated and placed on the consent agenda at a later date; **NOW, THEREFORE**,

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby approves the attached service contract between Benton County and Leslie & Campbell, Inc., for the roof repair/replacement on the Kennewick Maintenance Shop Building in the amount of \$31,469.00 plus WSST; the total amount payable, including acceptable overages, incidentals and other unanticipated costs shall not exceed thirty-five thousand dollars and zero cents (\$35,000.00) including WSST; and

BE IT FURTHER RESOLVED, the Board of Benton County Commissioners hereby authorizes the Chairman of the Board to sign the attached service contract between Benton County and Leslie & Campbell, Inc.

Dated this 8th day of November 2010.

Chairman.

Chairman Pro-Tem.

Member.
Constituting the Board of County
Commissioners of Benton County, Washington.

Attest: _____
Clerk of the Board

SWB:LJM:slc

**PUBLIC WORKS CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between **BENTON COUNTY**, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and **LESLIE & CAMPBELL, INC.**, a Washington corporation with its principal offices at 506 Ahtanum Road, Union Gap, Washington 98903, (hereinafter "CONTRACTOR").

In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

1. CONTRACT DOCUMENTS

This Contract consists of these terms and conditions and the following exhibits:

- a. Exhibit A - Contractor's Proposal
- b. Exhibit B - Washington State Prevailing Wage Rates

2. DURATION OF CONTRACT

The term of this Contract shall begin upon execution by both parties and CONTRACTOR shall complete the work as outlined in Section 3 of this Contract by December 15, 2010, unless earlier terminated pursuant to Section 16 herein. Price adjustments of this contract will only be effective with an executed amendment to this contract. The CONTRACTOR shall complete all work by the time(s) specified herein.

3. SERVICES PROVIDED

The COUNTY requires and the CONTRACTOR agrees to complete all work as specified in PROJECT DESCRIPTION AND SPECIFICATIONS of the CONTRACTOR'S Proposal Exhibit A. The CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided in this Contract, no material, labor, or facilities will be furnished by the COUNTY.

4. CONTRACT REPRESENTATIVES

Each party to this Contract shall have a contract representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

9:05

From: Marilu Flores
To: Hewitt, Eileen
Subject: Re: Sign up for Commissioner Meetings

RECEIVED
APR 27 2010
BENTON COUNTY
COMMISSIONERS

Times have been scheduled before the board as follows:

~~May 10th @ 9:15 am~~
May 24th @ 10 am
~~Nov 8th @ 9:05 am~~

>>> Eileen Hewitt 4/23/2010 3:33 PM >>>

They will need about 15 minutes of time on the schedule for each date requested.

~~May 10th~~ - Tim Waters will speak about:

- Insect monitoring project for Potato Producers in the Columbia Basin
- Thrips insect control in bulb onions
- The International Carrot conference being hosted by Tim and others in Kennewick this summer.

~~May 10th~~ - Marianne Ophardt will speak about the upcoming 10th Anniversary of the Demonstration Garden.

May 24th - Natalie Kinion will speak about 4-H Programs: Gear Up for Fair; Future All Community Service Project; Dust Devil's Night at the Stadium

~~Nov 8th~~ - Laurie Sherfey will speak about the ~~Pathways Project~~: Literacy and Educational Pathways for Latino Childcare Providers

~~November 8th~~ - Lizann Powers-Hammond will speak about ~~Food Safety Programming~~.

Let me know if you need any additional information.

Eileen Hewitt
eileen.hewitt@co.benton.wa.us

WSU Benton County Extension - Kennewick
5600-E West Canal Drive
Kennewick, WA 99336
(509) 735-3551

WSU Extension programs and employment are available to all without discriminaion. Evidence of non-compliance may be reported through your local extension office.

>>> Marilu Flores 4/20/2010 11:01 AM >>>
Eileen:

Before I schedule time as requested, please identify what programs are being discussed with the specific date. I would also need to know how much time to schedule.

Marilu Flores
Administrative Secretary
Benton County Commissioners Office
PO Box 190

9:20

AGENDA ITEM: SPV 10-08 MTG. DATE: Nov. 8, 2010 MEMO. DATE: Oct. 25, 2010 SUBJECT: Short Plat Vacation -SPV 10-08, Larry Bast Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth	<u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolution X Pass Ordinance Pass Motion X Other	Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other
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BACKGROUND INFORMATION

On May 26, 1993, Short Plat 1915 was recorded, which created 4 lots. Short Plat 1915 included a 20-foot access easement for lots 3 and 4. Larry Bast, owner of Lot 4, has submitted an application requesting that the 20-foot access easement for lots 3 and 4, be vacated off the face of the short plat and that note #1 be changed to reflect said vacation. Both lots 3 and 4 have existing dwellings and accessory structures. Lots 3 and 4 also have currently existing independent accesses onto Demoss Rd.

Owners of property within 300 feet of the outer perimeter of Lots 3 and 4 of Short Plat 1915 have been notified. Property owners of lots 3 and 4 have signed the application. All concerned agencies such as Health Department, Benton County Engineer, Benton County Fire Marshal and any utility companies have been notified of this proposal. No adverse comments have been received relating the vacation of the 20-foot access easement for lots 3 and 4 and the changing of note #1.

SUMMARY

Benton County has received a request for the vacation of the 20-foot access easement for lots 3 and 4 and the alteration of note #1 of short plat 1915. Benton County Code requires the Board of County Commissioners to conduct a public hearing on the proposed vacation and allow for public comments regarding the vacation request. The public hearing notice for application SPV 10-08 was published on October 28, 2010 and the public hearing is scheduled for November 8, 2010 at 9:20 a.m.

RECOMMENDATION

It is the recommendation of the Planning Department that the Board of County Commissioners conducts a public hearing, and based on the testimony received, either approve or deny the request. Based on the information received thus far, the Planning Department recommends that the proposed vacation of the 20-foot access easement for lots 3 and 4 and the changed of note #1 be approved.

MOTION

The Benton County Planning Department recommends the following motion: The Benton County Board of Commissioners approve the vacation of the 20-foot access easement for lots 3 and 4 located on the south 5 feet of lot 3 and the north 15 feet of lot 4 of Short Plat 1915 of Section 32, Township 10 North, Range 27 East, W.M. and that the words "and 3 & 4" be removed from note #1.

9:25

AGENDA ITEM: SPV 10-09 MTG. DATE: Nov. 8, 2010 MEMO. DATE: Oct. 25, 2010 SUBJECT: Short Plat Vacation -SPV 10-09, Leroy Peters Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth	TYPE OF ACTION	Consent Agenda
	NEEDED	Public Hearing X
	Execute Contract	1st Discussion
	Pass Resolution X	2nd Discussion
	Pass Ordinance	Other
	Pass Motion X	
Other		

BACKGROUND INFORMATION

On June 30, 2010, Short Plat 3264 was recorded, which created 2 lots. Short Plat 3264 was created from lot 1 of Short Plat 2616, which was subsequently, created from lots 1 and 2 of recorded Short Plat 2332. Short Plat 3264 included a 5-foot waterline easement created in 1996 by document AF 96-6339. Leroy Peters, owner of Lot 2 of Short Plat 3264, has submitted an application requesting that the 5-foot waterline easement, be vacated off the face of the short plat. No structures other than a well house currently exist on this lot.

Owners of property within 300 feet of the outer perimeter of Lot 2 of Short Plat 3264 have been notified, including all lots with short plats 3264, 2616 and 2332. All concerned agencies such as Health Department, Benton County Engineer, Benton County Fire Marshal and any utility companies have been notified of this proposal. No adverse comments have been received relating the vacation of the 5-foot waterline easement.

SUMMARY

Benton County has received a request for the vacation of the five-foot waterline easement within lot 2 of Short Plat 3264. Benton County Code requires the Board of County Commissioners to conduct a public hearing on the proposed vacation and allow for public comments regarding the vacation request. The public hearing notice for application SPV 10-09 was published on October 28, 2010 and the public hearing is scheduled for November 8, 2010 at 9:25 a.m.

RECOMMENDATION

It is the recommendation of the Planning Department that the Board of County Commissioners conducts a public hearing, and based on the testimony received, either approve or deny the request. Based on the information received thus far, the Planning Department recommends that the proposed vacation of the five-foot waterline easement be approved, in conjunction with the recording of documentation eliminating the waterline easement, recorded under AF 96-6339 with the Benton County Auditor.

MOTION

The Benton County Planning Department recommends the following motion: The Benton County Board of Commissioners approve the vacation of the 5-foot waterline easement located within Lot 2 of Short Plat 3264 in the Southwest Quarter of Section 20, Township 9 North, Range 27 East, W.M.

This motion is conditioned on the applicant vacating the 5-foot waterline easement recorded under AF 96-6339. That the applicant provide the Benton County Planning Department with a copy of the recorded document, prior to the signing of the resolution by the Board of County Commissioners. The document must be approved and recorded within 1 year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void.

9:30

AGENDA ITEM: SHPA 10-03 MTG. DATE: Nov. 8, 2010 MEMO. DATE: Oct. 25, 2010 SUBJECT: Short Plat Appeal -SPHPA 10-03, Charles Macrae Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth	TYPE OF ACTION NEEDED Execute Contract Pass Resolution X Pass Ordinance Pass Motion X Other	Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other
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BACKGROUND INFORMATION

On September 29, 2010, our office received a written appeal letter from Charles Macrae to the Board of County Commissioners regarding the Short Plat Administrator's requirement to provide a 40-foot private road easement, exclusive of any utility easements on lots 1 and 2 of short plat 2893. On August 24, 2010, Mr. Macrae submitted to the Planning Department a short plat application SHP 10-18 to subdivide 11.36 acres into 2 lots. On September 24, 2010, Mr. Macrae was sent a letter from this office indicating that the Short Plat would be approved provided 19 conditions were satisfied. Item No. 5 stated that the private road easement must be at least 40 feet in width, exclusive of any utility easements through lots 1 and 2 of Short Plat 2893.

The existing private road easement across lots 1 and 2 of short plat is thirty feet in width. A thirty-foot private road easement is the minimum required width for a 4 lot short plat under BCC 9.04.034. Further division of lot 4 of short plat 2893 will create a total of five lots using the private road easement. After this proposed short plat is recorded, no additional lots would be allowed under the current Comprehensive Plan density. Improvements such as an existing house, a riding arena and existing fencing on lots 1 and 2 of short plat 2893 make the expansion of the private road easement nearly impossible. The applicant does not own either lot one or two that would make obtaining additional easement width more difficult.

Attached to this memo are copies of the September 24, 2010, requirements of the Planning Department, the appeal letter from the applicant, a copy of the proposed short plat and an aerial photograph of the site.

The Benton County Code requires the Board of County Commissioners to conduct a public hearing on the proposed vacation and allow for public comments regarding the vacation request. The public hearing notice for application SPV 10-08 was published on October 28, 2010 and the public hearing is scheduled for November 8, 2010 at 9:30 a.m. The Board following the public hearing may affirm or reverse the Short Plat Administrator's decision or remand the application back to the Short Plat Administrator with instructions to approve the same upon compliance with conditions imposed by the Board, if any.

SUMMARY

Charles Macrae is requesting that the Board grant his appeal to the Short Plat Administrator's decision that a 40-foot private road easement, exclusive of utility easements over lots 1 and 2 of Short Plat 2893 be provided to serve this proposed short plat prior to the recording of the short plat.

RECOMMENDATION

The Planning Department recommends that the Board approve the applicant's request to eliminate the requirement of a 40-foot private road easement, exclusive of any utility easements

in lots 1 and 2 of Short Plat 2893 and remand the application back to the Short Plat Administrator with the instruction that Short Plat Application 10-18 be approved with all the conditions except condition #5.

MOTION

The Benton County Planning Department recommends the following motion: The Benton County Board of Commissioners approve Charles Macrae's request to eliminate the requirement of a 40-foot private road easement, exclusive of utility easements, that no additional easement width is required over lots 1 and 2 of short plat 2893.