

# WEEKLY REVIEW

BENTON COUNTY BOARD OF COMMISSIONERS  
September 14, 2021



*This document is a weekly review of the Board of County Commissioners meeting, Tuesday, September 14, 2021. Information related to agenda changes, Consent Agenda, and Public Comment are on the [County website](#).*

## Public Hearing

### *Short Plat Vacation SPV 2021-003 – Michelle Cooke, Assistant Planning Manager*

On November 17, 1992, Short Plat 1866 was recorded under Auditor's File Number 1992-028723, creating three (3) residential lots off W 10th Avenue in the Kennewick area of unincorporated Benton County. The short plat also created a five (5) foot irrigation easement running north to south along the west property line of the short plat. A Boundary Line Adjustment was completed in 2020 under Auditor File Number 2020-029827 and, subsequently, the property was re-platted in 2021 under Short Plat 3702 with the same irrigation easement shown on both the survey and short plat. The applicant, Douglas Rybarski, is requesting the vacation of a portion of the five (5) foot irrigation easement that runs along the western property lines of Lots 1-3 of Short Plat 1866 and Short Plat 3702 except for the southernmost 10 feet of Lot 1 of Short Plat 1866 and subsequent Lot 3 of Short Plat 3702. The Kennewick Irrigation District Board of Directors approved the applicant's request on August 17, 2021 to pursue the vacation of the irrigation easement. Owners of property within 300 feet of the subject parcel and all concerned agencies, including Kennewick Irrigation District, and the City of Kennewick were notified of the proposed vacation and no objections or concerns have been received to date. **The Board moved and seconded to approve SPV 2021-003 for vacation of a portion of the five (5) foot irrigation easement that runs along the western property lines of Lots 1-3 of Short Plat 1866 and Short Plat 3702 except for the southernmost 10 feet of Lot 1. Motion carried.**

### *Continued: Benton County Shoreline Master Plan – Greg Wendt, Community Development Director*

On June 22, 2021 the Board of County Commissioners held a public hearing on the Periodic Update to the Shoreline Master Plan (SMP) for Benton County. The Shoreline Management Act (SMA), RCW 90.58, requires mandatory "periodic updates" to local shoreline master programs every eight (8) years. Every Washington city and county must periodically review and, if needed, revise its Shoreline Master Program (SMP) to ensure compliance with the SMA. The public hearing was open for public testimony but there was no one present who wished to testify so the public portion of the hearing was closed, and a motion was then made to continue the public hearing decision making process until August 17, 2021 and then continued from August 17, 2021 to September 14, 2021 (BCCM 2.1). The hearing was continued to obtain initial approval of the SMP from the Department of Ecology. On September 7, 2021, Ecology submitted a formal written statement of initial concurrence of the proposed amendments. The County's next step in this process is to formally adopt the Periodic Update to the Shoreline Master Program and submit the final SMP for formal Ecology approval, as outlined in WAC 173-26-110. **The Board moved and seconded to adopt the Planning Commission's Findings and Conclusions as its own and to locally approve the Periodic Update to the Shoreline Master Program in accordance with the Department of Ecology's submitted statement of initial concurrence. Motion carried.**

### *Continued: Planning Ordinance Amendment #OA 2021-002 Relating to Critical Areas, General Provisions, & Fish & Wildlife Habitat Conservation Areas; Amending Ordinance 609 - Greg Wendt, Community Development Director*

On June 22, 2021 the Board of County Commissioners held a public hearing on an Ordinance Amendment relating to BCC Title 15, Critical Areas, General Provisions and Fish and Wildlife Habitat Conservation Areas for Benton County. The public hearing was opened for public testimony and after receiving all testimony, the public portion of the hearing was closed, and a motion was made by the Board to continue the public

hearing decision making process until August 17, 2021 and then to September 14, 2021 so that the ordinance amendment could be processed consistent with the SMP Periodic Update. On September 7, 2021, The Washington State Department of Ecology made an initial determination as part of the SMP update process, so the CAO ordinance amendment is now ready for Board approval. **The Board moved and seconded to adopt the Planning Commission's Findings and Conclusions as its own and the ordinance amendment comment matrix dated June 8, 2021 and OA 2021-002, an ordinance amendment to BCC Title 15 relating to Critical Areas. Motion carried.**

### *Adoption of New County Road for Maintenance – Doug D'Hondt, County Engineer*

The owners of the property located at 84009 West Old Inland Empire Highway, RQ Bradley LLC, submitted a petition to establish a new County road across their property. The road is intended to serve a future subdivision starting at Old Inland Empire Highway to south of the Chandler Canal. The United States Bureau of Reclamation, who owns the canal, requires all roadways crossing their canal system be owned and operated by a public agency, in this case the County. The Board accepted the petition and ordered the County Engineer to prepare a report of the feasibility for road establishment. Conditions for establishment are specified in the report. **The Board moved and seconded to approve the resolution authorizing the County Engineer to proceed with the design and construction approval for adoption of the proposed road for county maintenance. Motion carried.**

### *Ordinance Amendment to the County Public Records Policy, BCC 5.14 – Adam Morasch, Risk Manager*

Benton County Risk Management is proposing an amendment to Benton County Code (BCC) 5.14 Public Records, Ordinance 442, Ordinance 526, and Ordinance 582, with a focus on the following items:

- Removing fax numbers from departments' contact information
- Updating County Corrections Department (instead of Benton County Sheriff Bureau of Corrections)
- Adding the option to make public records requests online
- Removing recommendation that requesters make a written request on a request form and adding recommendation to use the public records portal
- Adding exclusion of redaction of audio or video in the fee exemption section
- Removing reference to the request form being maintained by the Prosecuting Attorney's Office
- Removing information from Request for Public Records Form
- Adding one new section adopting the Benton County Public Records Portal

**The Board moved and seconded to approve the proposed public records amendment amending Ordinances 442, 526, and 582, and Benton County Code Chapter 5.14. Motion carried.**

## **Scheduled Business**

### *Establishing a Provisional Corrections Officer – Chief Souza, Corrections & Lexi Wingfield, HR Manager*

In an effort to find ways to reduce mandatory overtime for our Corrections staff while staying within our budget, the Chief of Corrections and the HR Manager worked with Administration to develop a Provisional Corrections Officer. This position would offset the costs and mandatory overtime on current Corrections staff on an as needed basis. This position would be utilized when current staff take vacation, utilized their protected leaves such as sick, FMLA, PFML, and to ultimately help reduce mandatory overtime. The cost of this position will offset the overtime budget and it is suggested that the position be initially advertised as a non-bargaining relief position starting at the lowest step Corrections Officer hourly rate. Since this will be a relief type position, employees in this role will not receive full benefits. This position is new for Benton County and with the continued work to establish the program between the Corrections Department, HR, and Administration, has the potential to be highly successful. **The Board moved and seconded to approve the Provisional Corrections Officer jobs description and to approve the LIT to fund the Provisional Corrections Officer within Department 120. Motion carried.**

## Other Business

### *Termination of Personal Service Contract (Mutual Termination Agreement) w/ Summit Food Service, LLC for Jail Food Services – Chief Souza, Corrections*

Benton County (Corrections Department – Jail) and Summit Food Service, LLC has mutually agreed to terminate the Personal Service Contract (Resolution 2020-999) for jail food services effective September 30, 2021 at 11:59 PM. The Benton County Corrections Department will be establishing a new food services contract with Aramark, with an anticipated effective date of October 1, 2021. **The Board moved and seconded to authorize the Chairman to sign the Termination of Personal Service Contract letter between Benton County and Summit Food Service, LLC. Motion carried.**

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