

**COMMISSIONERS' MINUTES  
KITTTITAS COUNTY, WASHINGTON  
PUBLIC HEARING**

**TUESDAY**

**4:00 P.M.**

**DECEMBER 2, 2003**

Board members present: Chairman Max Golladay, Vice-Chairman Perry Huston & Bruce Coe.

Others: Julie Kjorsvik, Clerk of the Board; Paul Bennett, Director of the Public Works Department; Joy Potter, Public Works Department; David Taylor, Director of Community Development Services; Allison Kimball, Community Development Services Supervisor; and approximately 10 members of the public.

✓ **PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSIONERS**

At 4:39 p.m. **CHAIRMAN GOLLADAY** opened a public hearing to consider a Community Development Block Grant - Public Service Grant.

**COMMISSIONER HUSTON** reviewed the process for the Kittitas County Action Council to apply for Community Development Block Grant Public Service funds. **MICHELLE CADIGAN, INTERIM EXECUTIVE DIRECTOR** representing the Kittitas County Action Council, gave an overview of their proposed budget relating to the CDBG grant application. She said there was a total of \$102,009.00 available for housing, emergency assistance, nutrition, and linkages. Included in the total amount available to Kittitas County, \$3,000.00 is dedicated for Kittitas County's administration costs. **COMMISSIONER HUSTON** announced he would abstain from voting on the issue, since he currently serves on the Board of Directors for the Kittitas County Action Council. **THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

✓ **RESOLUTION 2003-142 CERTIFICATION OF COMPLIANCE COMMISSIONERS**

Commissioner Coe moved to approve Resolution No. 2003-142, Certification of Compliance, and to authorize the Chair to sign the appropriate documents relating to the 2004 application for Community Development Block Grant Public Services Funds. Chairman Golladay seconded. Motion carried 2-0. Commissioner Huston abstained.

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✓ **PUBLIC HEARING BERRY, RINGLER & HASKELL SHORT PLAT CDS**

At 4:47 p.m. **CHAIRMAN GOLLADAY** opened the public hearing to consider proposed amendments to the Berry, Ringler and Haskell Short Plats.

**DAVID TAYLOR, COMMUNITY DEVELOPMENT SERVICES DIRECTOR** said complex issues had arose since the public hearing had been scheduled. He said there was a Notice of Trustees Sale published in the Daily Record, with differences in acreage than on record. After discussions with the Prosecutors office, they felt there were many issues to be researched, which could have effects to the proposed amendments. He felt the appellants and public have the right to review the amendment with all the correct information, and suggested continuing the public hearing until January 6, 2004 at 4:00 p.m. **GREG ZEMPEL, PROSECUTOR** said with the ongoing litigation, he would like to see language agreed to and signed by all parties involved, including the property owners and Burkes before the County was to approve an amendment. **CHAIRMAN GOLLADAY** acknowledged a letter from Mr. Martin dated December 2, 2003 and a letter from Alexander Friedrich, dated December 1, 2003. **COMMISSIONER HUSTON** cautioned the Board that if they were to proceed with the public hearing, it could create a potential appeal in the future.

**COMMISSIONER HUSTON** moved to continue the public hearing to Tuesday January 6, 2004 at 4:00 p.m. in the Commissioner's Auditorium, and to authorize staff to republish the legal notice. **COMMISSIONER COE** seconded. Motion carried 3-0.

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✓ **PUBLIC HEARING**

**RANCH ROAD - COUNTY ROAD SYSTEM**

**PUBLIC WORKS**

At approximately 5:04 p.m. **CHAIRMAN GOLLADAY** opened the public hearing to consider adopting Ranch Road on to the Kittitas County Road Maintenance System.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** suggested continuing the public hearing until January 6, 2004 at 4:00 p.m., due to the outcome of the previous public hearing. He said the outcome of the Ringler, Berry & Haskell Short Plat will affect the outcome of the Ranch Road hearing.

**COMMISSIONER HUSTON** moved to continue the public hearing to Tuesday January 6, 2004, at 4:00 p.m. in the Commissioner's Auditorium, and to authorize staff to republish the hearing. **COMMISSIONER COE** seconded. Motion carried 3-0.

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✓ **PUBLIC HEARING**

**MOUNTAIN CREEK ROAD**

**PUBLIC WORKS**

At approximately 5:05 p.m. **CHAIRMAN GOLLADAY** opened the public hearing to consider the vacation of a portion of the County Right-of-Way on Mountain Creek Drive, located in Township 20, Range 17, Section 28, W.M.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** suggested continuing the public hearing until January 6, 2004, at 4:00 p.m., due to the circumstances in the two previous hearings.

**COMMISSIONER HUSTON** moved to continue the public hearing to Tuesday January 6, 2004, at 4:00 p.m. in the Commissioner's Auditorium, and to authorize staff to republish the hearing. **COMMISSIONER COE** seconded. Motion carried 3-0.

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**PUBLIC HEARING**

**S. THORP HWY./KOA CAMPGROUND**

**PUBLIC WORKS**

At approximately 5:06 p.m. **CHAIRMAN GOLLADAY** opened the public hearing to consider the vacation of a portion of the County Right-of-Way adjacent to the South Thorp Highway and K.O.A. Campground.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** reviewed an Engineer's Report on the proposed vacation, including the background and requirements. He said there were strict limitations to what the County could do with the County Right-of-Way, other than vacate it to another public authority. He entered into the record, an email from John Akers, from the City of Ellensburg, stating the City may be interested in assuming ownership of the right-of-way if the County removes it from their inventory, as long as it provides a mechanism for access to the former dump site. Based on the Prosecutor's opinion, he recommended denying the applicant's request. **JAMES HURSON, DEPUTY PROSECUTOR** said he had reviewed the statutes and found no case law, other than the County could grant the vacation to another "public authority", or it would have to be rezoned.

**THOSE PRESENT & TESTIFYING: JEFF SLOTHOWER, ATTORNEY REPRESENTING MOUNTAINSTAR RESORT**, said they currently have a similar request with the County, but are waiting for a report from the resort engineer. He thought their engineer was going to request that the Board continue the hearing to a later date, in order to obtain further information. With the similarity of issues, he requested the Board wait to make a final decision, since it could end up setting precedence. **JERRY LEATH APPLICANT**, explained how their request to acquire the right-of-way to build their home. The right-of-way is the only area high enough out of the flood plain.

**COMMISSIONER HUSTON** moved to continue the public hearing until Tuesday January 20, 2004 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, noting the record to remain open. **COMMISSIONER COE** seconded. Motion carried 3-0.

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At approximately 5:25 p.m. **CHAIRMAN GOLLADAY** opened a public hearing to consider adopting Chandler Road on to the Kittitas County Road Maintenance System.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** reviewed an Engineer's Report. He said the new alignment on Chandler Road has been constructed to meet county road standards, and recommended the Board of Commissioners approve Chandler Road being added to the Kittitas County Road System.

**THOSE PRESENT & TESTIFYING:** **JEFF SLOTHOWER**, representing Cascade View & the Hillis', voiced concerns of new interpretations outlined in the Findings of Fact presented the Public Works Department, relating to the length of time for the maintenance performance guarantee bond. He said previously, the two-year period ran from the road construction or when the plat was approved, and not two-years from the date of acceptance on to the county road system. **MR. BENNETT** said Mr. Slothower was correct, and that the two-year period was different. He explained that the Public Works Department has a checklist in place, and has been consistent with all of their requests the past two years. **WAYNE NELSON** representing Sapphire Skies, said he had no objections with the warranty. **MR. SLOTHOWER** said he did not object to the road being on the county road system, only to the interpretation of the two-year period being different of the maintenance performance bond.

**COMMISSIONER HUSTON** said he was willing to accept Mr. Bennett's interpretation, and now there is a checklist in place, the timeline (road built vs. accepted onto system) is not the county's problem, it would be the owners. He agreed the two-year time period should begin once the road is accepted on to the county road system. He felt the process in place is better and makes more sense.

**RESOLUTION 2003-143**

**CHANDLER ROAD**

**PUBLIC WORKS**

**COMMISSIONER HUSTON** moved to postpone consideration of Resolution No. 2003-143, Adopting Chandler Road onto the Kittitas County Road System, until Tuesday December 16, 2003 at 3:00 p.m. and direct staff to attach conditions to the Resolution, along with the warranty. **COMMISSIONER COE** seconded. Motion carried 3-0.

At approximately 5:55 p.m. **CHAIRMAN GOLLADAY** opened a public hearing to consider adopting Moody Drive on to the Kittitas County Road Maintenance System.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR**, acknowledged a letter from Attorney Jeff Slothower, requesting to continue the public hearings relating to Moody Drive and Fieldstone Court, until December 16, 2003. He mentioned both Attorney Steve Lathrop and Mr. Hillis are out of the country until that date.

**THOSE PRESENT & TESTIFYING: VIRGINIA RUTHERFORD**, presented a petition to rename Cascade Drive to Range View Drive. She said when the name was selected, there was no one was living on the road. She explained the petition has been signed by people who have now purchased lots in Cascade View Estates, and they are requesting that Cascade Drive be changed to Range View Drive.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** explained there was a separate process to go through for changing the name of a road, and recommended not changing the name at this time. **COMMISSIONER HUSTON** agreed there is a separate process and proper forum to consider changing names of roads and suggested setting up a meeting with the Public Works Department to discuss the petition.

**COMMISSIONER HUSTON** moved to continue the public hearing until Tuesday December 16, 2003 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, record to remain open. **COMMISSIONER COE** seconded. Motion carried 3-0.

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**PUBLIC HEARING**

**FIELDSTONE COURT**

**PUBLIC WORKS**

At approximately 6:15 p.m. **CHAIRMAN GOLLADAY** opened a public hearing to consider adopting Fieldstone Court on to the Kittitas County Road Maintenance System.

**PAUL BENNETT, PUBLIC WORKS** acknowledged a letter from Attorney Jeff Slothower, requesting to continue the public hearings relating to Moody Drive and Fieldstone Court, until December 16, 2003. He mentioned both Attorney Steve Lathrop and Mr. Hillis are out of the country until that date.

**COMMISSIONER HUSTON** moved to continue the public hearing until Tuesday December 16, 2003 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, record to remain open. **COMMISSIONER COE** seconded. Motion carried 3-0.

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At approximately 6:16 p.m. **CHAIRMAN GOLLADAY** opened a public hearing to consider amending Kittitas County Code Chapter 10.08 "Speed Limits on County Roads" and Chapter 10.12 "Stop & Yield Signs".

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** said he had hoped to move forward with the proposed amendments, but due to the previous public hearings being continued, he suggested continuing the hearing as well.

**COMMISSIONER HUSTON** questioned if speed limits and traffic controls were ever set prior to adopting the roads onto the County Road System? **MR. BENNETT** said no, they do not adopt them prior to holding a hearing.

**MOTION**

**COMMISSIONER HUSTON** moved to continue the public hearing to December 16, 2003 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, record to remain open. **COMMISSIONER COE** seconded. Motion carried 3-0.

At approximately 6:20 p.m. **CHAIRMAN GOLLADAY** opened a public hearing to consider the vacation of a portion of Faust Road right-of-way.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** gave an overview of his Engineer's Report on the request to vacate a portion of Faust Road at the intersection with the John Wayne Trail. He entered into the record, a letter from William Fraser, Regional Park Planner, from the Washington State Parks & Recreation Commission, dated December 2, 2003.

**THOSE PRESENT & TESTIFYING:** **ART SINCLAIR** questioned why the County had just bought the piece of land, and now wants to get rid of it. He suggested giving the State the 10-15 feet and put up a fence through it, so it doesn't "intermingle" with the surrounding property owners. If he had to make choice of all the options, he preferred the North end be vacated. **CHAIRMAN GOLLADAY** asked if the county didn't vacate the southern portion, would the county have to continue maintaining it? **MR. BENNETT** said it is policy that the County maintains everything they own, and if they did not maintain it, it would become a liability. **PAT TAYLOR**, said he maintains the Olson Ditch. His major concern was to be sure the culverts were continually cleaned out. **WALT FARAR** said he was trail supporter and offered to clarify issues for the Board. He testified the Parks &

Recreation Commission does not own the land, it is the State of Washington. He felt there were many issues needing to be researched and suggested continuing the public hearing to a later date. **ADIE SINCLAIR** did not feel it was right to vacate the bottom portion of the right-of-way, it had been a part of their family homestead and they have used it to get to their property for many years. **MRS. SINCLAIR** expressed concerns of garbage, parking, port-a-potty's etc. being in the area.

**COMMISSIONER HUSTON** said he would like to see larger pictures of the area (as built). He questioned whom the northern portion would be vacated to, if they were to vacate it? The Board noted they could call a meeting to conduct a site visit, noting the surrounding property owners would be notified, as well as the media, and disclosures would be made at the next hearing.

**COMMISSIONER HUSTON** moved to continue the public hearing until January 20, 2004 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, record to remain open. **COMMISSIONER COE** seconded. Motion carried 3-0.

The Board directed the Public Works staff to immediately remove the barriers and place an interim sign that states "no through road".

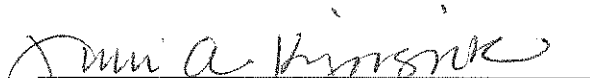
**EXECUTIVE SESSION** - At approximately 7:45 p.m. **CHAIRMAN GOLLADAY** announced the Board was going into an Executive Session to discuss Personnel Issues for approximately 10 minutes, with no action anticipated.


The Board reconvened out of their Executive Session. No action taken.

Meeting adjourned at 7:52 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

  
Julie A. Kjorsvik

  
Max A. Golladay, Chairman