

COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
COMMISSIONERS CONFERENCE ROOM
SPECIAL MEETING

TUESDAY

11:00 A.M.

AUGUST 10, 2010

Board members present: Chairman Mark McClain, Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Catherine Dunn, Deputy Clerk of the Board; Jan Ollivier, Transportation Manager, Doug D'Hondt, County Engineer, Christina Wollman, Planner II, Department of Public Works; Dan Valoff, Staff Planner, Community Development Services; Chad Bala and Lindsey Ozbolt, Terra Design Group, Inc; Sean Northrup and Allison Kimball, Sapphire Skies, Applicant; Mike Murphy, Attorney for Applicant and 3 persons representing the public.

PUBLIC HEARING LITTLE CREEK RANCHES PLAT ALTERATION CDS

At 11:00 a.m. **Chairman McClain** opened a special meeting to conduct a public hearing to consider the plat alteration of Little Creek Ranches plat located south of Nelson Siding RD.

Vice-Chairman Paul Jewell asked **County Engineer, Doug D'Hondt** whether he had seen the bridge report included in the Commissioner's information. He said he had not seen it. **Vice-Chairman Jewell** said that he understood that the bridge was built to County specifications. **Mr. D'Hondt** said he was not aware of that but could review the bridge report quickly. He reviewed the report.

Vice-Chairman Jewell asked staff about the June 29, 2010 memo which indicated that staff had issues with the timing of acceptance of the road onto the County Road System. **Christina Wollman, Staff Planner**, replied that the concern was not with the timing, but the construction of the road.

Jan Ollivier, Transportation Manager, said that when the Public Works staff looked at this project they considered RCW 58.17.215 which says the legislative body must determine the public use and interest in a plat alteration. This proposal is to provide a right of way, without constructing the road to public road standards in the general area of a proposed new Transportation Corridor. New corridors were identified in this area in the County Long Range Transportation Plan, but not at a specific location. This particular route up Storie Lane is circuitous and

requires major costly construction to bring it to public road standards. She said this proposal provides some right of way for a new corridor, but it also becomes a liability to the County because of public expectation that the County will construct the road. In the Transportation Plan, it indicates that developers will construct new corridors for the public benefit. She said this access is only needed for the specific development not for the corridor proposal.

Commissioner Crankovich said that numerous times the applicant has tied this particular access to the Transportation Plan but the Plan does not specify this access.

Chairman McClain said in earlier testimony other potential routes for access were mentioned.

Ms. Ollivier said she remembered lots of discussion on the corridor for this area. She said staff has never professed a preferred route.

Chairman McClain asked with the cost of road building and engineering, etc. would it be a public benefit? **Ms. Ollivier** replied it could be a liability if people asked for the roads to be built. **Doug D'Hondt** said that any portion of road constructed to County specifications is a public benefit. **Chairman McClain** asked how the County could say there is no public benefit.

Vice-Chairman Jewell said one underlying subject was the gated lands. He asked if the Public Works Staff opinion would be different if the gates were removed. **Doug D'Hondt, County Engineer** said any portion of a road constructed to County Road Standards would be a public benefit. **Commissioner Jewell** asked if any areas of concern can be deleted from the dedication. **Mr. D'Hondt** said it could be and that public roads cannot be gated. He said it might become problematic if this road became a public road. He said anything the County takes on the Road system must conform to specific standards. The Department of Public Works doesn't see the benefit of having to improve this road in the future. He said if a subdivision further impacts a facility (road), then the developer has to bring it up to County Road Standards. **Vice-Chairman Jewell** said then, under this proposal, the Board can delay taking it onto the Road system. **Jan Ollivier** said when staff looked at this proposal they looked at the public benefit to the overall County, not just the development using it for access.

Vice- Chairman Jewell asked about the comment letter from the US Forest Service regarding Forest Service roads being used as access. **Commissioner Crankovich** said the USFS would like to give to the County certain USFS roads but the County does not take on Road System roads the County doesn't own.

More discussion took place regarding public benefit and possible conditions.

Chairman McClain discussed case law including Draeger v. Parrish and MCII that pertained to this project.

There was a discussion on the bridge report with **County Engineer, Doug D'Hondt** after his review. He said that at a quick glance, he is satisfied with the report. There was a discussion of having him do an in-depth review.

Vice-Chairman Jewell said that while it still felt as though he had come into an on-going conversation, he felt the record was enough to consider and the baseline must be the public benefit. He discussed the case law he researched, the Public Works memo and the US Forest Service letter. He said his major concerns on the existing bridge and road approach have been satisfied and he would recommend approval.

Chairman McClain said he found it ridiculous that a future road corridor is not a public benefit. He said it smacks of a land grab by the County. He said the County staff has made a point of having developers pay for the infrastructure. He said he appreciated Commissioner Jewell's comments on public benefits and he thought the gate across the road was for the comfort level of those current Storie Lane residents.

Commissioner Crankovich said he had the full, historical knowledge of this project and he expressed disappointment with the applicant in his disregard of the County and the Storie Lane residents. Construction of the road and bridge was stopped in 2005 by the Department of Public Works for lack of permits. The original plat amendment was denied and in 2006 permission was granted to build a bridge with no guarantee that permission would be given for it to lead anywhere. Construction was then started on a road to access lots 6 & 7. There was continued unauthorized use of the bridge and it was also used for emergency access to the area south of the KRD Canal. Questions arose about the use by emergency vehicles and if a breakaway barrier should have been placed across the road for emergency use. There have been continued usage and complaints about that

usage. He said his opposition is based on the method the construction came about. He said he was voting in opposition to the proposal.

Vice-Chairman Jewell moved to approve the plat alteration as presented finding that it is in the public use and interest, requiring that the bridge and approach are conditioned as constructed to County Road Standards and are open to the public, and an appropriate turn-around is constructed and that the additional proposed dedication corridor is removed from the proposal.

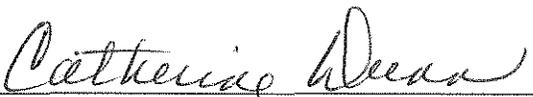
Chairman McClain seconded the motion noting that it should be amended to include a direction to staff to prepare enabling documents.

Vice-Chairman Jewell amended the original motion to include direction to staff to prepare enabling documents. **Chairman McClain** seconded the motion. Motion carried, 2-1 (Crankovich opposed).

Vice-Chairman Jewell moved to continue the public hearing to September 7, 2010 at 10:00 a.m. in the Commissioners Auditorium to consider enabling documents. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

The meeting was adjourned at 1:40 p.m.

DEPUTY CLERK OF THE BOARD


Catherine Dunn

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Mark McClain, Chairman