

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

TUESDAY

4:00 P.M.

JANUARY 6, 2004

Board members present: Chairman Perry Huston; Vice-Chairman Bruce Coe; Commissioner Max Golladay.

Others: Julie Kjorsvik, Clerk of the Board; James Hurson, Civil Deputy Prosecutor; Paul Bennett, Public Works Director; Catherine Dunn, Community Development Services Administrative Assistant; Joy Potter, Public Works Department Staff; Kelly Carlson, Public Works Department Administrative Assistant, and approximately 6 members of the public.

PUBLIC HEARING

RINGLER, BERRY, HASKELL SHORT PLATS

CDS

At approximately 4:30 p.m. **CHAIRMAN HUSTON** opened the continued public hearing to discuss proposed amendments to the Ringler, Berry, Haskell Short Plats.

CHAIRMAN HUSTON disclosed he had discussions with parties relating to process only, but since the proposed amendments, he has had no contact with them. **COMMISSIONER COE** disclosed he has had no contact with the parties. **COMMISSIONER GOLLADAY** disclosed he has not had any discussions relating to the amendments with the parties involved. **CHAIRMAN HUSTON** asked if anyone had an objection to any Board member hearing the proposed amendments. No one objected.

CATHERINE DUNN, COMMUNITY DEVELOPMENT SERVICES ADMINISTRATIVE ASSISTANT, announced the Director was ill and unable to attend the hearing. She did not have any additional information to submit for the Boards review. **PAUL BENNETT, PUBLIC WORKS DIRECTOR** explained that he had meetings with various people relating to the amendments, and had identified alternate language. According to what was proposed, he could be ready to sign off on the mylars soon. The Board noted they did not have any information in their files, and Mr. Bennett offered to have them review his files.

THOSE PRESENT & TESTIFYING: DAVE NELSON, EASTSIDE CONSULTANTS said he would like to see a punch list compiled from the Board at the conclusion of the hearing, so that necessary signatures could be obtained as soon as possible. He gave an overview of each proposed amendment. **GENE MARTIN** said the storm water drainage easements are the responsibility of the owners of the short plats, and noted the Home Owners Association Agreement had not addressed the issue.

COMMISSIONER COE asked if the slope easements had been recorded. **MR. NELSON** said they would be, once the conditions have been worked out and approved by the Burkes. **MR. BENNETT** said if there was a significant storm event, the County checks on the more "prone" spots. He questioned the notes on the amendment relating to the 40 foot right-of-way, and if the County would need to obtain permission to perform routine maintenance. **MARY BURKE** said the County does not need permission to conduct routine maintenance on county roads, so why would they need permission to maintain their own right-of-way. She asked why the parcel owners would be responsible for maintenance in the county right-of-way or in their ditch? **JAMES HURSON, CIVIL DEPUTY PROSECUTOR** said he had not seen the exact wording and conditions since the meeting the week before, but was hoping to get some direction from the Board of Commissioners at the conclusion of the hearing. **ERIC WOLF, APPLICANT** expressed his concerns and brought up questions relating to the maintenance and repairs to the culverts and if the property owners would be liable. **WADE WOLF, APPLICANT** opposed his son having to be held responsible and liable for maintaining the culverts. **MR. BENNETT** entered an email into the record from Dave Stambaugh, relating to drainage. **GENE MARTIN** said it had been a tough battle for everyone involved, but felt a resolution could be found. **MR. HURSON** explained the differences between a Home Owners Agreement and recorded plat maps, and that the easements and conditions that are recorded, automatically become an enforcement issue. **THERE BEING NO OTHERS IN ATTENDANCE TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED. THE BOARD RESERVED THE RIGHT TO RE-OPEN THE TESTIMONY PORTION OF THE HEARING.**

CHAIRMAN HUSTON said he would not approve any amendment without having a complete record in front of him. He asked if the county needed to go through the vacation process for Mountain Creek Road? **MR. BENNETT** indicated a public hearing had been scheduled to discuss the issue. **COMMISSIONER GOLLADAY** felt there was some consensus between the parties, but questioned who would maintain the pipes that go through other divisions. **COMMISSIONER COE** said he did not feel comfortable reviewing a matter without having a completed application in front of him, and suggested continuing the public hearing in order to identify the specific conditions and allow time for additional review by all parties involved. **COMMISSIONER GOLLADAY** felt a side-by-side analysis would be beneficial. **CHAIRMAN HUSTON** said if he did not have a completed file in front of him, before the next public hearing, he would move to continue it once again.

COMMISSIONER COE moved to continue the public hearing to Tuesday January 20, 2004 at 4:00 p.m. (record to remain open). **COMMISSIONER GOLLADAY** seconded. Motion carried 3-0.

At approximately 5:42 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider adding Ranch Road onto the County Road System.

PAUL BENNETT, PUBLIC WORKS DIRECTOR reviewed his staff report. He said the new alignment had been constructed to meet county road standards, however the guardrail needed to be extended another 300 feet. He had assurance from the applicant, that he would correct the deficiencies when the weather improves, and therefore, felt comfortable with the Board approving the proposed Resolution. **COMMISSIONER COE** asked if the County normally took on promises without a project being 100% complete? **MR. BENNETT** said the Board could approve the Resolution, conditioned upon the guardrail being completed. **COMMISSIONER GOLLADAY** asked if the 10% Bond would cover the guardrail deficiency? **MR. BENNETT** assured him it would once it is in place.

THOSE PRESENT & TESTIFYING: MARY BURKE questioned who would maintain the culvert in their ditch? She said the Board needed to make sure their decision is consistent with the Agreement they signed (Burke Hartman Agreement), because the road crosses the ditch and Ranch Road was to be used in replacement of Mountain Creek Drive. She asked for clarification regarding the County Road, the right-of-way and the culvert. **ERIC WOLF** asked if their taxes would be affected once the road was on system, and if the County would be plowing the road. **MR. BENNETT** responded to Mr. Wolf's questions. He also read a letter from David Stanbaugh, in support of putting the road onto the County Road System. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

MR. BENNETT said the applicant could get the remainder of the guardrail in place by January 20th. **CHAIRMAN HUSTON** explained if the County were to take the road onto their maintenance system, the County would be responsible for maintaining the right-of-way and culvert.

COMMISSIONER COE moved to continue the public hearing until January 20, 2004 at 3:00 p.m. and to direct staff to prepare enabling documents for the Board's consideration, contingent upon the completion of the guardrail. **COMMISSIONER GOLLADAY** seconded. Motion carried 3-0.

At 6:10 p.m. **CHAIRMAN HUSTON** called for a recess for 10 minutes.

The Board reconvened at 6:20 p.m.

At approximately 6:20 p.m. **CHAIRMAN HUSTON** opened a public hearing to consider vacating Mountain Creek Drive Right-of-Way.

PAUL BENNETT, PUBLIC WORKS DIRECTOR reviewed his Engineer's Report. He described the history and said by vacating the right-of-way, it would eliminate additional impervious surface and would reduce conflicts with existing irrigation water. He recommended vacating the County Right-of-Way, and that the adjacent property owners not be required to pay fair market value, as it has not been part of the County Road System, and no tax dollars have been used for the acquisition, construction, operation or maintenance.

CHAIRMAN HUSTON asked if the County has ever waived fees before for County Right-of-Ways. He was concerned with possible "gifting".

THOSE PRESENT & TESTIFYING: MARY BURKE said if the 40 foot right-of-way was designated on the proposed Short Plat amendments, showing other access, she would not oppose the vacation. She also suggested adding to Item #6, the 40-foot right-of-way includes a pass through to the Ringler, Berry, Haskell Short Plats. She wanted to be sure to preserve the access that she has always enjoyed. **THERE BEING NO OTHER TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

CHAIRMAN HUSTON said the legal description is noted on the Plat amendment, and not as a condition of the vacation. **COMMISSIONER GOLLADAY** felt there was no urgency on the issue.

COMMISSIONER GOLLADAY moved to continue the public hearing until Tuesday January 20, 2004 at 4:00 p.m., after the amendments to the Short Plats have been adopted. **COMMISSIONER COE** seconded. Motion carried 3-0.

Meeting adjourned at 6:45 p.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Perry D. Huston, Chairman