

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

**TUESDAY**

**4:00 P.M.**

**AUGUST 17, 2004**

Board members present: Chairman Perry D. Huston, Vice-Chairman Bruce Coe and Commissioner Max Golladay.

Others: Julie Kjorsvik, Clerk of the Board; Paul Bennett, Public Works Director; Joy Potter, Public Works Staff and approximately 20 members of the public.

**PUBLIC HEARING            VACATE PORTION CASCADE RD. R-OF-W            PUBLIC WORKS**

At 4:08 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider vacating a portion of Cascade Road right-of-way near Dollarway Road off Hibbs Road in Section 33 of Township 18 N, Range 18 E.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** reviewed his engineers report. He said a request had been received from an adjacent property owner to vacate the right-of-way of Cascade Road. He explained the portion of the roadway in question was not currently on the county road system however it had been used by the public for ingress/egress access. It is not known why an alternate access was established and the access blocked following the 1981 city vacation. He felt there was no compelling reason to preserve the right-of-way for the county road system, as the surrounding area has been annexed into the City of Ellensburg, and the City may find the right-of-way necessary for future development for a utility corridor and ingress/egress. He recommended that the Board of County Commissioners declare the Cascade Road non-essential for the county transportation system, and that a permanent easement for public utilities be obtained for current and future parcels. He said the width of the right-of-way was unknown, and after a thorough review of the recorded survey, he also recommended that Kittitas County claim a 60' right-of-way for Cascade Road, as insinuated on the Ellensburg Lamb Co. survey, and to offer the property to the Griffiths and the Smiths equally.

**THOSE PRESENT & TESTIFYING: GREG McELROY, ATTORNEY REPRESENTING THE GIBSONS**, objected to the request for a vacation of Cascade Road. He said when the Gibson's purchased the property, it was with the understanding they would have access to their property for the purposes of egress and ingress for truck traffic. He claimed there had been a private dispute of the boundaries for a long period of time. He said the county could impose a utility easement in

exchange for egress and ingress. He felt it was essential to keep the access open to the Gibson's so they do not become landlocked. **RICK COLE, ATTORNEY REPRESENTING THE SMITHS AND THE GRIFFITHS,** disagreed with Mr. McElory's comments. He said the Gibson's have had an easement through the Smith's property, and they have never been denied ingress or egress. He felt there was no benefit to the public for the County to keep the right-of-way. **LOUIE GIBSON** explained there was never a 60' easement in place, claiming it had been lost in court. He felt the Smith's were just trying to obtain more property. **JOEL SMITH** adjacent property owner spoke in favor of the request. **SCOTT GRIFFITH** adjacent property owner said it had been the only easement to his property since he purchased it over 12 years ago. **LOIS GRIFFITH** spoke in favor of the vacation. **THERE BEING NO FURTHER TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER GOLLADAY** felt the issue was confusing and there needed to be a way of understanding the dispute between the attorneys. **CHAIRMAN HUSTON** said there were many unanswered questions including the determination of what good or harm would it cause if the property were vacated or not, access to the Gibson's property etc. He suggested continuing the hearing to allow for additional information to be submitted from the proponent and opponents. The Board asked for a better map of the area, with an explanation of lots, and quality of easement.

**CHAIRMAN HUSTON** moved to close the public testimony portion of the hearing, to accept written information to be submitted by the parties of record, and to continue the public hearing to Tuesday September 7, 2004 at 4:00 p.m., reserving the right to accept oral response to the written information, if the Board deems necessary. **COMMISSIONER COE** seconded. Motion carried 3-0.

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**PUBLIC HEARING                      LOWER BADGER POCKET AREA SIGNS                      PUBLIC WORKS**

At approximately 4:53 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider revisions to the Kittitas County Code Chapter 10.12.010 "Stop & Yield Signs" located in the Lower Badger Pocket Area.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** reviewed his Engineer's Report and said a public request had been received with concerns of a yield sign at the intersection of Cleman and Badger Pocket Road. He said the sign was located within Maintenance District L, which was chosen to be the first district to analyze all Yield sign locations. He said following an on-sight inspection of each intersection, an analysis was completed reviewing the sight distance triangle, accident history, speed and traffic volume. He recommended to replace the Yield signs on the roads in Maintenance District L and

do not meet the requirements listed in the current Manual on Uniform Traffic Control devices (MUTCD) and the American Association of State Highways and Transportation Officials (AASHTO) with Stop Signs. **MR. BENNETT** complemented the Public Works staff on their work with the review.

**THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**ORDINANCE 2004-30                      LOWER BADGER POCKET RD. SIGNS                      PUBLIC WORKS**

**COMMISSIONER GOLLADAY** moved to approve Ordinance No. 2004-30, Placing Stop Signs in District L (Badger Pocket Area) at intersections that do not conform to MUTCD and AASHTO standards for Yield Signs and Amending Section 10.12.010 of the Kittitas County Code, effective upon the installation of the appropriate signs. **COMMISSIONER COE** seconded. Motion carried 3-0.

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**PUBLIC HEARING    EVERGREEN VALLEY PLAT DIVISION II/III                      PUBLIC WORKS**

At approximately 5:08 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider the adoption of Bakers Road, Evergreen Valley Loop Road, Patrick's Park Road, White Pine Road and Red Cedar Drive on to the County Road System, located in T12N, R14E, Sec. 12, which are part of the Evergreen Valley Plat, Division II and III.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** reviewed his Engineer's Report. He said six plats had been approved and recorded from 1971 to 2000 which included dedicated of a new county right-of-way. All of the above roads have been constructed to meet county road standards, and the developer had petitioned the county to adopt the roads onto the county road system.

**THOSE PRESENT & TESTIFYING: CLINT PERRY** spoke in favor of the request and said he had not received any negative feedback from anyone within the area. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER COE** recognized a note in favor of the request from Pam and Jon Myrick.

**RESOLUTION 2004-95    EVERGREEN VALLEY PLAT DIVISIONS                      PUBLIC WORKS**

**COMMISSIONER GOLLADAY** moved to approve Resolution No. 2004-95, Adopting Bakers Road, Evergreen Valley Loop Road, Patrick's Park Drive, White Pine Drive and Red Cedar Drive onto the Kittitas County Road System. **COMMISSIONER COE** seconded. Motion carried 3-0.

At approximately 5:16 p.m. **CHAIRMAN HUSTON** opened the continued public hearing to consider granting Charter Communications a County Wide Franchise for Cable Services.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** presented an updated staff report. He gave a brief history of the request and said additional research was still going on as to the legality of allowing Charter Communications to run commercial information on publicly owned fibers. His final proposal included approving the concept of the franchise; change granting the two fibers or 50% of capacity to 50% capacity of current OC48 card; allow staff and Charter to work out the details and timing of the implementation on the improvements; allow staff, Charter and I-net work out details to allow other ISP's onto the system; and bring back a completed package to the Board in a public hearing and take action, if desired.

**THOSE PRESENT & TESTIFYING: RANDALL LEE, REPRESENTING CHARTER COMMUNICATIONS**, agreed with Mr. Bennett's comments. He felt it was a creative process to partnership for success and it was a logical process. **DAVID BLACK, OWNER OF THE SNOQUALMIE PASS CABLE TV, INC.**, speaking on both that entity and as a private citizen, opposed the request. He submitted information into the record that provided information relating to Charter Communications outstanding indebtedness. He felt the Board should deny the request, and claimed a cable TV franchise should be given to any company that is willing to install a system in any area where cable TV is not presently available and where there is not an existing system.

**CHAIRMAN HUSTON** noted the Board was running behind in their hearings and suggested continuing the public hearing, allowing the record to remain open.

**CHAIRMAN HUSTON** moved to continue the public hearing to Tuesday September 14, 2004 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, record to remain open. **COMMISSIONER GOLLADAY** seconded. Motion carried 3-0.

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**PUBLIC HEARING      WATER UTILITY COORDINATING COMMITTEE      COMMISSIONERS**

At approximately 5:44 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider the Kittitas County Water Utility Coordinating Committee's report and recommendations of the critical water supply service area boundaries.

**ERIN ANDERSON, REPRESENTING THE UPPER KITTITAS COUNTY WATER UTILITY COORDINATING COMMITTEE**, reviewed the committee's recommendations of new boundaries for the external critical water supply service area. She said the committee reconvened in January of 2003, and following the initial meeting, each municipality addressed its own governing body regarding CWSSA boundary revisions, where maps had been prepared and revisions made based on input at open council meetings. There were no comments received at the public meetings held by the Water Utility Coordinating Committee following the municipalities' recommendations. The Kittitas County Community Development Services department delegated the responsibility of preparing a SEPA checklist and issuing a threshold determination to the City of Cle Elum, as a WUCC agency member, and a Determination of Non-Significance was issued, with only one comment received. The DNS became final on June 28, 2003. She reviewed a map with proposed changes from anticipated future needs and growth in Cle Elum, South Cle Elum, Roslyn and activities in the surrounding unincorporated Kittitas County, known as the MountainStar Resort. She indicated she would provide the Board with colored maps and key for their review. **THERE WAS NO OTHER PUBLIC TESTIMONY GIVEN AT THE TIME.**

**CHAIRMAN HUSTON** noted the Board had a public hearing scheduled to begin at 6:00 p.m. at the Fairgrounds and suggested continuing the hearing to another date.

**CHAIRMAN HUSTON** moved to continue the public hearing Tuesday September 14, 2004 at 2:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse, Ellensburg, noting the record would remain open. **COMMISSIONER COE** seconded. Motion carried 3-0.

Meeting adjourned at 6:00 p.m.

**CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Julie A. Kjorsvik**

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**Perry D. Huston, Chairman**