

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS
PUBLIC HEARING STAFF REPORT

AGENDA DATE: December 20th, 2016

ACTION REQUESTED: Set a Public Hearing to consider the vacation of portions of Boondoggle Road and East Boondoggle Road unused right of way.

BACKGROUND: On November 22nd 2016, Kittitas County Public Works received a request from Robert L. Bailey, authorized agent for petitioners: Dwight Watson, John A. Hamel, Chad T. Hamel, and Linda A. Ammons to vacate portions of Boondoggle Road and East Boondoggle Road. These public roads are privately maintained and no public expenditures have been made on them.

On September 1st, 2015 a public hearing was held to consider the vacation of portions of Boondoggle Road and East Boondoggle Road unused right of way, followed by a closed record meeting to consider a plat amendment to the 1973 Teanaway Wagon Wheel Plat. Both requests were denied as it was found the requests were not allowed within County Code because the plat amendment would require the lots to meet current lot standards.

The intent of this road vacation is to vacate portions of unused right of way of Boondoggle Road and East Boondoggle Road following a previously approved Boundary Line Adjustment to the 1973 Teanaway Wagon Wheel plat (BL-16-00009) dated September 9th, 2016. This plat created Boondoggle Road and East Boondoggle Road as privately maintained -public roads. However, the legal description on the plat does not correctly define where the roads are physically located. The approved Boundary Line Adjustment correctly describes the actual placement of these roads and the road vacation will remove the public rights of way that are not needed for adequate public access.

Public Works Department is coordinating this road vacation with Community Development Services, the approving authority for the Boundary Line Adjustment.

INTERACTION: Public Works, Community Development Services, Robert L. Bailey (authorized agent for petitioners), and petitioners: Dwight Watson, John A. Hamel, Chad T. Hamel, and Linda A. Ammons.

RECOMMENDATION: Set a Public Hearing For January 17th, 2017 at 2pm to consider the vacation of a portions of Boondoggle Road and East Boondoggle Road unused right of way.

HANDLING: Return signed copy of public hearing notice to Public Works.

ATTACHMENTS: Public hearing notice
Road Vacation Application
Boundary Line Adjustment Final Approval
Commissioners' Minutes September 1st, 2015

LEAD STAFF: Lucas Huck, County Engineer

Public Notice
Kittitas County, Ellensburg WA

The Board of Kittitas County Commissioners will meet at 2:00 pm on January 17, 2017 in the Commissioner's Auditorium located at the Kittitas County Courthouse, 205 W. 5th, Room 109, Ellensburg, Washington to consider the vacation of portions of Boondoggle Road and East Boondoggle Road unused right of way.

More information is online at <http://www.co.kittitas.wa.us/notices/>.

Clerk of the Board

Publish:

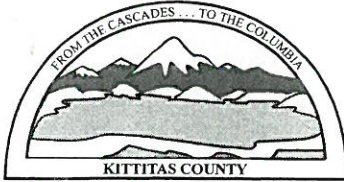
Daily Record: 01/05/17; 01/12/17

North Kittitas County Tribune: 01/05/17; 01/12/17

For more information, contact Public Works

Anyone with an interest in this matter is urged to attend said hearing where all testimony will be taken. Written comments may be received at 205 W 5th Ave. STE 108, Ellensburg, WA 98926 at or prior to the hearing.

Kittitas County complies with all ADA requirements.



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

Mark Cook, Director

ROAD VACATION APPLICATION

Pursuant to KCC 12.22

NON REFUNDABLE FEE - \$2,000.00

REQUIRED ATTACHMENTS:

- Map(s) and document(s) of proposed road vacation (see Instructions for further details).
- Map(s) showing land owned by each petitioner.

check # 1137
Rec # 0647

RECEIVED

NOV 22 2016

FOR STAFF USE ONLY:

APPLICATION RECEIVED BY:

DATE:

KITTITAS COUNTY
DEPT OF PUBLIC WORKS
DATE STAMP HERE

The following landowners (freeholders that reside in the county road vicinity) petition Kittitas County to vacate and abandon the following county road or portion of county road:

Road Name: BOONDOGGLE ROAD & EAST BOONDOGGLE ROAD beginning at: REFER TO ATTACHED DRAWINGS
WAGON WHEEL FLAT
MIDDLE FORK TEANAWAY ending at: ↓
Tax parcel number(s) adjacent to proposed road vacation: _____

1. List of petitioners (attach additional sheets as needed):

Name: JOHN HAMEL LOT 14 BLK 5
Mailing Address: 3440 TEANAWAY MIDDLE FORK LOT 26 BLK 1
City/State/Zip: CLELLUM, WA 98922
Day Time Phone: 509 266 1210
Email Address: _____

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Petitioner:

X

John A. Hamel

Date:

11-16-16

Name: CHAD T. HAMEL LOTS 11-12 BLK 5
Mailing Address: 3440 TEANAWAY MIDDLE FORK
City/State/Zip: CLE Elum, WA 98922
Day Time Phone: 509 260 1210
Email Address: _____

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Petitioner:

X Chad T Hamel

Date:

11-16-16

Name: DWIGHT WATSON LOTS 15-16-17 BLK 5
Mailing Address: 26425 B POPLAR WAY LOT 6 BLK 2
City/State/Zip: LYNNWOOD, WA 98036
Day Time Phone: (425) 275-3649
Email Address: _____

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Petitioner:

X Dwight Watson

Date:

11-16-16

Name: LINDA A AMMONS LOT 10 BLK 5
Mailing Address: 12526 W SKYLARK DRIVE
City/State/Zip: SUN CITY WEST, AZ 85375
Day Time Phone: _____
Email Address: _____

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Petitioner:

X Linda A. Ammons

Date:

11/14/16

2. Authorized agent, if different from petitioner(s):

Agent Name: ROBERT L. BAILEY PE/PS 9743
Mailing Address: 4201 HWY 970 - CLEELUM, VA 98922
City/State/ZIP: _____
Day Time Phone: 509 679 7017
Email Address: BOBSLLC@gmail.com

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Authorized Agent:

X 

Date:

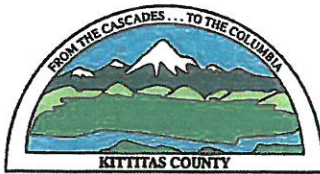
November 14, 2016

3. Narrative project description (attach additional sheets if needed):

REFER TO NINE PAGE MEMORANDUM DATED JUNE 23 2015; ATTACHED -
MEMORANDUM IS FROM CHRISTINE VOLLMAN, PLANNER III TO KAYCEE HATHAWAY, CDS.
THE MEMORANDUM EXPLAINS THE REQUIRED PARTICULARS IN PARAGRAPH 3, 4, & 5
OF THIS APPLICATION. R.L.B.

4. Why the county road (or portion of county road) is useless as part of the county road system (attach additional sheets if needed):

5. How will the public benefit by this proposed vacation and abandonment (attach additional sheets if needed):



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Kaycee Hathaway, CDS
FROM: Christina Wollman, Planner III *CW*
DATE: June 23, 2015
SUBJECT: Wagon Wheel Plat Amendment LP-14-00001

Kittitas County Public Works supports the proposal to vacate and amend roads within the Teanaway Wagon Wheel Plat. While the lot sizes may be non-compliant with current zoning regulations, the plat amendment solves issues that have needed resolution for many years, including roads outside of the right of way and houses constructed within the right of way. See Attachment 1 for a map showing the road system.

Applicability to Road Standards

This development application is not creating any new parcel or roads. It is only moving the rights of way, changing parcel lines and two lots are being combined, resulting in a decrease in the number of lots than currently exists. The Kittitas County Road Standards require developments which impact the service level, safety or operation efficiency to improve serving roadways in accordance with the Standards, and requires land developed or parcel creations that contain internal roads to construct or improve those roadways to the Standards. Because there will be no change in the ability to develop the existing parcels, and no new lots are being developed, Public Works will not require the roads to be constructed to current standards.

DEDICATION

Plat History

The Teanaway Wagon Wheel Plat was signed by Gordon Blossom, County Engineer, on November 19, 1973. The County Commissioners approved the plat on November 26, 1973. The plat was recorded on November 29, 1973.

KNOW ALL MEN BY THESE PRESENT: That Teanaway Wagon Wheel, Inc., a Washington Corporation, the undersigned owner in fee simple the herein described real property, does hereby declare, subdivide and plat as herein described, and dedicate to the use of the public forever all roads, streets, avenues, alleys, places, easements, or whatever public property shown thereon which shall be maintained by a private non-profit corporation. The costs of construction, maintaining and snow removal of all roads, streets, and alleys within this plat and all access roads to this plat shall be the obligation of a non-profit corporation composed of all the owners of the lots of the plat and of any additional plots that may be served by these roads, streets, and alleys. In the event that the owners of any of the lots of this plat or any additional plots shall petition the County Commissioners to include the roads in the county road system, it is understood that the roads shall first be built up to minimum county standards by said non-profit corporation.

IN WITNESS WHEREOF, We have hereunto set our hands and seal this 10th day of November, A.D. 1971.

Jack April

PRESIDENT

Ryan Hook

SECRETARY

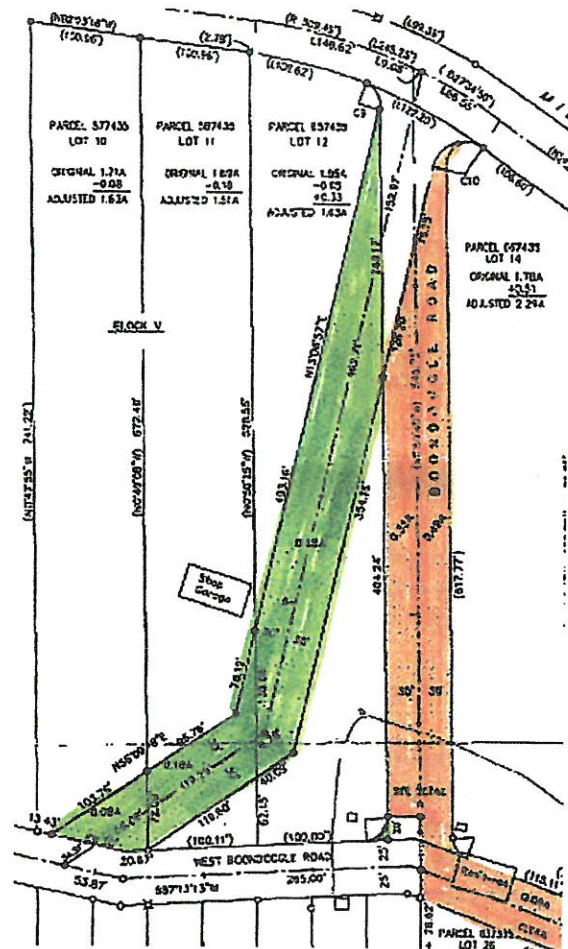
Figure 1: Teanaway Wagon Wheel Plat Road Dedication

Boondoggle Road

The plat contains many privately maintained roads within the public right of way. One of the roads in question, Boondoggle Road, has always been a privately maintained roadway. It is unknown whether the road was constructed before or after the plat. Aerial photographs from 1964 do not show the road, and the next set of photos to show the area is 1993. Boondoggle Road does not lie within the dedicated public right of way, and all users must travel over private property. The road serves around 30 properties.

Two solutions exist to fix the Boondoggle Road location problem: moving the road or moving the right of way. Moving the right of way is the preferred alternative to Public Works. After the right of way is moved, all properties will have legal access.

Figure 2: Boondoggle Road Dedication and Vacation. Dedication shown in green, vacation shown in Orange. Boondoggle Road is currently within the green area.



Eastern Road

This plat amendment also includes the dedication of a 50' right of way which is currently unnamed through lot 18 (hereafter referred to as the "Eastern Road"). All rights of way within the plat, except for the north-south portion of Boondoggle Road, are 50' in width.

During a plat amendment and vacation process in 1996, the BOCC approved the proposal to include a 50' right of way for the Eastern Road through Lot 18. The road within the 50' ROW was required to be constructed as a 22' gravel road. Unused portions of public ROW would be vacated. The plat amendment had a three year expiration date. The proposal P-96-04 was approved through Resolution 96-195 Preliminary Approval Plat Alteration & Road Vacation Teanaway Wagon Wheel (Attachment 2).

In July 1998, the subdivision's Road Maintenance Committee met and agreed to assess the affected lots to pay for the road upgrade. In October 1998, Fire Marshal Derald Gaidos visited the site and noted that as soon as more gravel is added to the surface "the road should be as required" (Attachment 3). It is

Lot 15 and 26 Access

A boundary line adjustment is proposed after the plat amendment is completed that will provide each lot with direct access to the dedicated public right of way. Prior to the boundary line adjustment, lots 26 and 15 do not have direct access to the dedicated public right of way. Because all lots must have legal access, temporary easements will be shown on the plat with a note stating they will be relinquished at such time that each lot has direct access to the dedicated public right of way or a legally recorded easement in a different location. The intention is to allow the temporary easements to be relinquished without requiring another plat amendment. See Attachment 5.

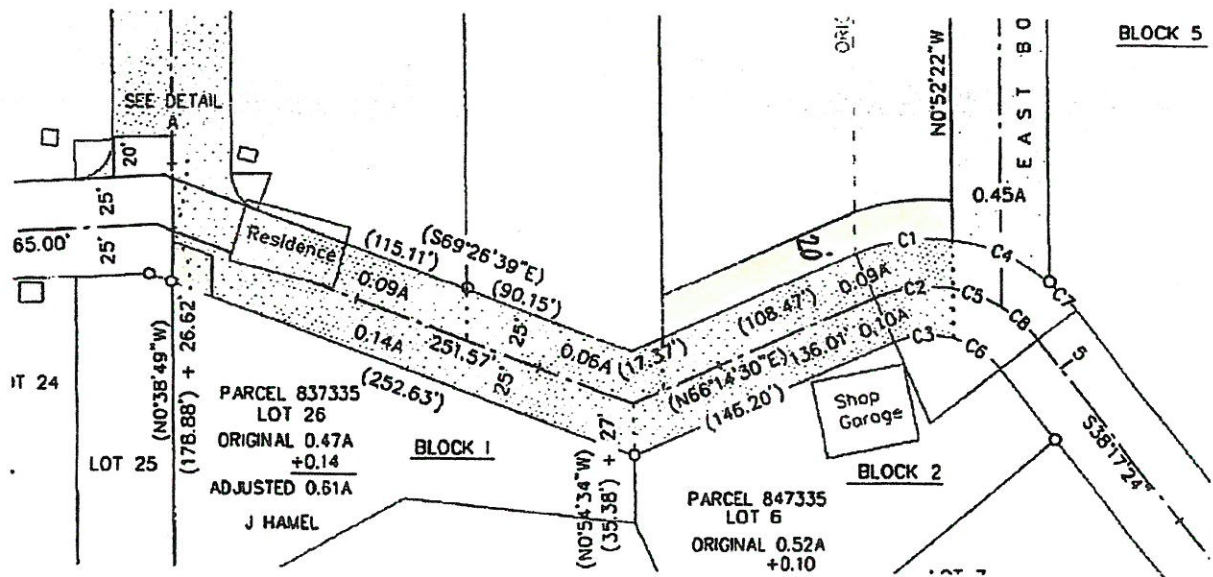
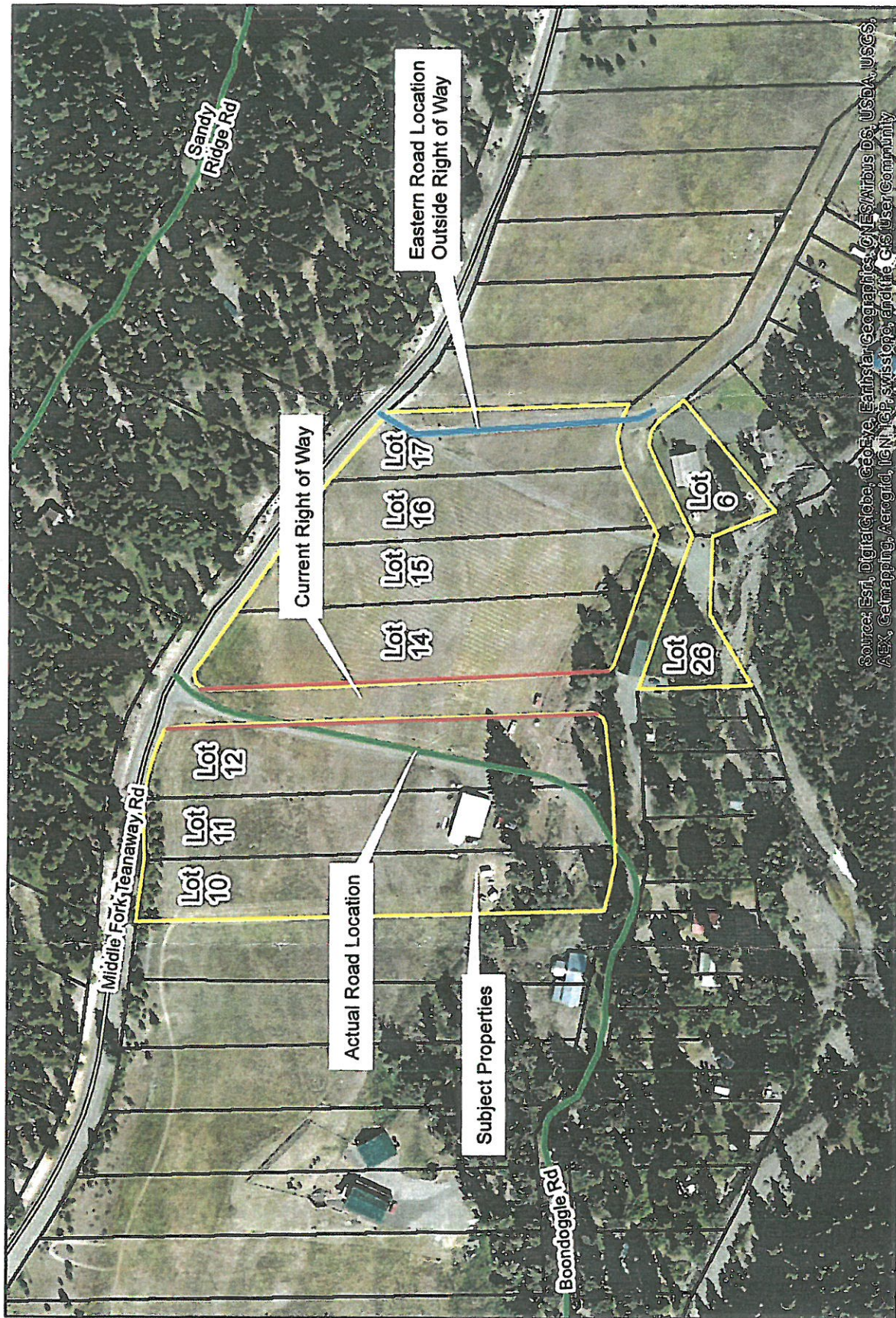


Figure 5: Temporary access easements shown in yellow to serve Lot 26 and Lot 15.

Summary

Kittitas County Public Works recommends approval of this plat amendment and road dedications in conjunction with a road vacation.

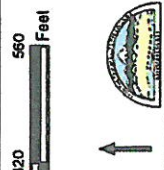


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, SPT, Swisstopo, and the GIS User Community

LP-14-00001
Teanaway
Wagon Wheel
Plat Amendment

Road and Right of Way Location Map

Kittitas County Public Works
411 N Ruby Street, Suite 1
Ellensburg, WA 98926
509-962-7523



BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

RESOLUTION

NO. 96-195

PRELIMINARY APPROVAL
PLAT ALTERATION & ROAD VACATION
TEANAWAY WAGON WHEEL

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, a public hearing was held by the Kittitas County Board of Commissioners on November 19, 1996 and November 26, 1996 for the purpose of considering the alteration of a subdivision known as Teanaway Wagon Wheel and described as follows:

A portion of the Teanaway Wagon Wheel Subdivision located south of Middle Fork Teanaway Road, within the S1/2 of Section 26, T21N, R15E, WM; Described as Divisions 1, 2, and 5 of the Teanaway Wagon Wheel Subdivision, Recorded in Book 6 of Plats, Pages 30-43, Records of Kittitas County, Washington,

and,

WHEREAS, testimony was taken from those persons present who wished to be heard; and,

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such platting; and,

WHEREAS, the following FINDINGS OF FACT have been made concerning the proposed plat alteration:

1. A written replat application containing the signatures of the majority of property owners pursuant to RCW 58.17.215 was submitted to Kittitas County on August 28, 1996.
2. The Board of County Commissioners finds that the Kittitas County Department of Public Works has reviewed and concurs with the submitted storm water impact report, and that said report indicates no adverse impacts to storm water conveyance will result from the proposed plat alteration.
3. The Board of County Commissioners finds that existing site conditions preclude the continued use of the existing public right-of-way. The Board therefore finds that the public interest will be served by the internal road configuration of the proposed plat alteration.
2. The Board of County Commissioners finds that the Kittitas County Road Standards Ordinance requires that the proposed and existing access roads be improved to a 28 foot wide bituminous surface. The Board also finds that a variance from this requirement may be reasonably justified.
 - A. The Board finds that the Teanaway Wagon Wheel Subdivision was platted prior to the adoption of the Kittitas County Road Standards, and that the proposed plat alteration involves the relocation and construction of an existing privately maintained public roadway.

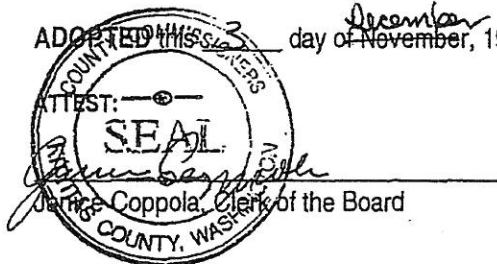
B. The Board finds that the existing and proposed 16 foot wide gravel surfaced private access roads are inadequate for emergency vehicle access and that a 22 foot wide all weather road surface is necessary in order to ensure emergency vehicle access.

NOW THEREFORE,


BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said plat alteration and fifty (50) foot wide public road right-of-way vacation designated as Teanaway Wagon Wheel be, and the same hereby is, approved subject to the following conditions:

1. The petitioners shall prepare and submit a revised final plat to include drawing and on-site survey revisions in accordance with the County Subdivision Code as determined by the Planning Director.
2. The petitioners shall construct a twenty-two (22) foot wide all weather gravel surface access road from Middle Fork Teanaway Road to the eastern boundary of Divisions 2 and 5, as depicted on the submitted revised drawing, prior to final plat approval. Said road shall be constructed within a fifty (50) foot wide public right-of-way. A paved apron shall be constructed from the edge of the County Road to the edge of the County Right-of-Way. A cul-de-sac with a minimum forty-five (45) foot radius shall also be constructed at the terminus of said road.
3. Future direct access onto Middle Fork Teanaway County Road will not be permitted, and access shall therefore be limited to the following: The petitioners shall construct a twenty-two (22) foot wide all weather gravel surface road from the aforementioned proposed access road to the southeast corner of Lot 14 (Block 5) to provide access to Lots 14, 15, and 16 (Block 5) prior to final plat approval. Said road shall be constructed within a forty (40) foot wide easement. A properly sized culvert shall be installed at the southwest corner of Lot 15 (Block 5) to minimize restriction of the existing overflow channel and ensure high water conveyance.
4. The maintenance of the aforementioned access roads shall be the responsibility of a private association comprised of the property owners served by said roads. The petitioners shall provide documentation of said road maintenance association prior to final replat approval.
5. The residual portion of Lot 17 (Block 5) shall be aggregated with Lot 16 (Block 5). The lot lines of those lots abutting the proposed internal road vacation shall be adjusted to the center of the existing fifty (50) foot wide public right-of-way.

ADOPTED ~~THIS~~ ^{December} 3 day of November, 1996.

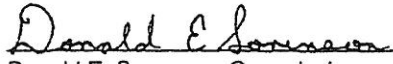



APPROVED AS TO FORM ONLY:

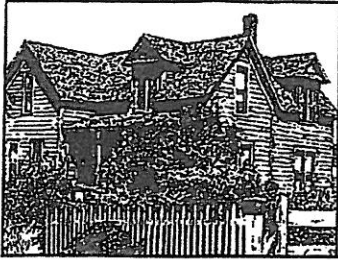

Gregory L. Zempel, Prosecuting Attorney
WSBA #19125

KITTITAS COUNTY BOARD of COMMISSIONERS


Ray Owens, Chairperson


Donald E. Sorenson, Commissioner


Mary Seubert, Commissioner



Kittitas Count
Department of Building & Fire Safety

ATTACHMENT 3

507 Nanum Street, Room 2, Ellensburg, WA 98926

Telephone (509) 962-7694 Fax (509) 962-7682

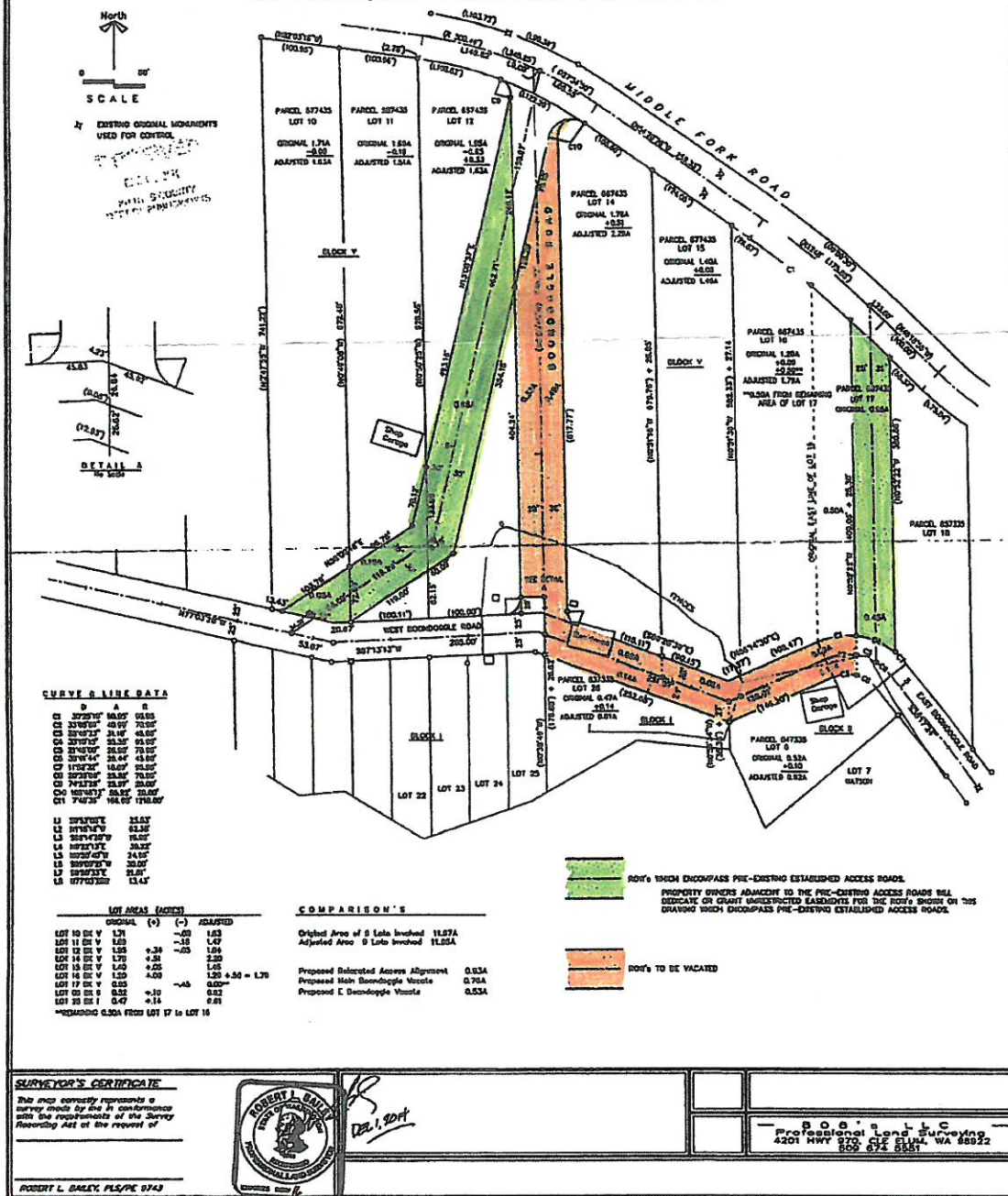
Date: October 22, 1998
To: Randy Carberry, Public Works
From: Derald Gaidos, Fire Marshal
RE: Teanaway Wagon Wheel RePlat

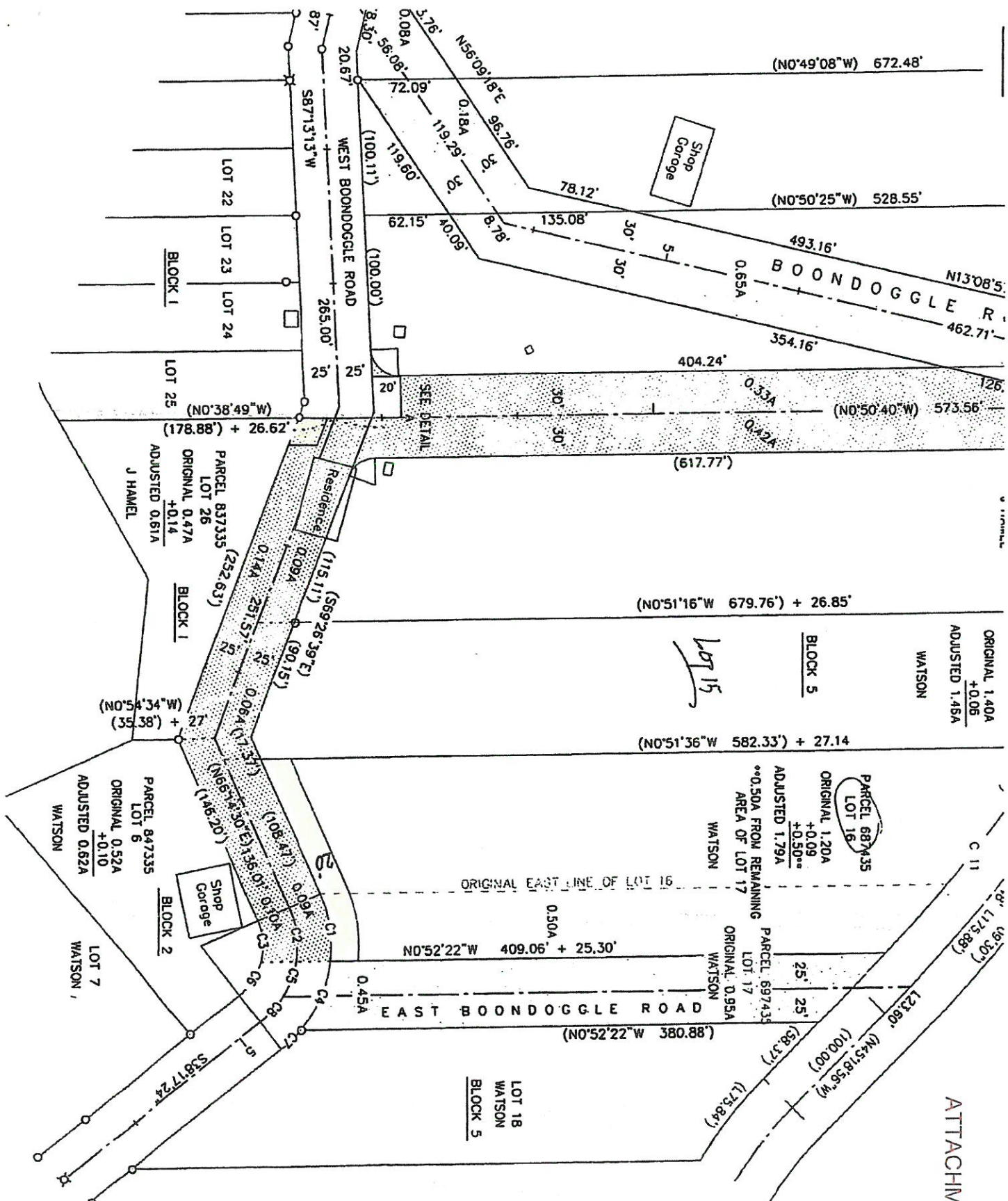
After doing a site visit I have the following comments:

The road as it is presented at the site will work with more material, all season, being added to the surface of the road and at the cul-de-sac. As soon surface is completed the road should be as required.

For a Fire Safe Kittitas County

Derald Gaidos

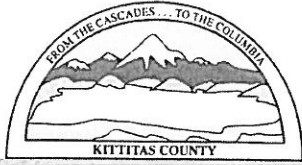




808's LLC
 PROFESSIONAL LAND SURVEYING
 4201 HWY 970, CLE ELUM, WA 98922
 509 674 5551

May 23, 2015
 r.l.b.

ATTACHMENT 5



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

September 9th, 2016

Robert Bailey
4201 Highway 970
Cle Elum, WA
98922

Linda A. Ammons
12526 W Skylark Dr
Sun City West AZ
85375

Chad T and John A. Hamel
3440 Teanaway Middle Fork
Cle Elum, WA,
98922

Dwight Watson
20425B Poplar Way
Lynwood, WA
98036

RE: Bailey Boundary Line Adjustment (BL-16-00009)

Map Number 21-15-26050-0511
Map Number 21-15-26050-0510
Map Number 21-15-26050-0512
Map Number 21-15-26050-0514
Map Number 21-15-26050-0126
Map Number 21-15-26050-0515
Map Number 21-15-26050-0516
Map Number 21-15-26050-0517
Map Number 21-15-26050-0206

Parcel 587435
Parcel 577435
Parcel 657435
Parcel 667435
Parcel 837335
Parcel 677435
Parcel 687435
Parcel 697435
Parcel 847335

To all concerned,

Kittitas County Community Development Services has reviewed the proposed boundary line adjustment and hereby grants **final approval** to the referenced application. Pursuant to Kittitas County Subdivision Code Chapter 16, please note the following items involved in completing the process:

1. Please refer to the attached Kittitas County Public Works and Fire Marshall's Memos for additional information.
2. Final packet has been submitted to the Assessor's Office on September 9th, 2016 to finalize the boundary line adjustment.

If you have any questions or need assistance, please contact our office at 509-962-7079.

Sincerely,

Dusty Pilkington
Planner I
Kittitas County Community Development Services
411 N Ruby St # 4, Ellensburg, WA 98926
(509) -962-7079
dusty.pilkington@co.kittitas.wa.us

**COMMISSIONERS' MINUTES
KITITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

TUESDAY

2:00 P.M.

SEPTEMBER 1, 2015

Board members present: Chairman Gary Berndt, Vice-Chairman Obie O'Brien, and Commissioner Paul Jewell.

Others: Julie Kjorsvik, Clerk of the Board; Judy Pless, Budget & Finance Manager; Jerry Pettit, Auditor; Mark Cook, Public Works Director; Kaycee Hathaway, Staff Planner; Lindsey Ozbolt, Staff Planner; Neil Caulkins, Deputy Prosecutor; Christina Wollman, Staff Planner; Roy Chance, Construction Manager; and 8 members of the public.

PUBLIC HEARING

CDBG - WATER DISTRICT #7

AUDITOR

At 2:00 p.m. **CHAIRMAN BERNDT** opened a Public Hearing to consider the final project performance on the Kittitas County Water District #7 Water System Plan Update, funded by the Community Development Block Grant (CDBG).

JUDY PLESS, BUDGET & FINANCE MANAGER explained how Water District #7 was awarded a Community Development Block Grant through the Department of Commerce in the amount of \$24,000.00 for an update to their water system plan. She indicated the project has been completed and recommended that the Board of Commissioners approve the Closeout Performance Report.

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

REPORT

CDBG - WATER DISTRICT #7

AUDITOR

COMMISSIONER O'BRIEN moved to approve the Closeout Performance Report for the Community Development Block Grant Contract No. 13-65400-039 and to authorize the Chair to sign the Beneficiary Summary Page upon submission. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

PUBLIC HEARING

NOEL COMMUNICATIONS, INC.

PUBLIC WORKS

At 2:07 p.m. **CHAIRMAN BERNDT** opened a Public Hearing to consider a Countywide Franchise Agreement with Noel Communications, Inc.

ROY CHANCE, CONSTRUCTION MANAGER reviewed a proposed Countywide Franchise Agreement with Noel Communications, Inc. He said the

MARK COOK, PUBLIC WORKS DIRECTOR reviewed a request to lease Lot C-31 (1.09 acres - 47,480.40 Sq. Ft.) at the Kittitas County Airport Binding Site Plan. The proposed Lease Agreement would be with Precision Ag Repair beginning September 1, 2015 through August 31, 2020. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

LEASE PERCISION AG REPAIR - LOT C-31 PUBLIC WORKS

COMMISSIONER O'BRIEN moved to approve a Lease Agreement between Kittitas County and Precision Ag Repair for Lot C-31 of the Kittitas County Airport Binding Site Plan, 1.09 Acres - 47,480.40 Sq. Ft. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

PUBLIC HEARING VACATION - BOONDOGGLE ROAD PUBLIC WORKS

At 2:37 p.m. **CHAIRMAN BERNDT** opened a Public Hearing to consider a request to vacate portions of Boondoggle Road and East Boondoggle Road's unused Right-of-Way. He announced that he recused himself from the Closed Record Meeting previously in the day at the Agenda Session, relating to Wagon Wheel Plat and therefore he would recuse himself again. The meeting was turned over to Commissioner O'Brien.

CHRISTINA WOLLMAN, STAFF PLANNER reviewed a proposed vacation of portions of Boondoggle Road and East Boondoggle Road, unused Right-of-Way. She explained how the legal description on the plat does not correctly define where the roads are physically located. The proposed plat amendment would correctly describe the actual placement of the roads and the road vacation would remove the public Rights-of-Way that are not needed for the public roads. The Public Works Department is coordinating the road vacation with the Community Development Services, who are processing the Teanaway Wagon Wheel plan. The road vacation and plat amendment application are being processed jointly to ensure that the Teanaway Wagon Wheel plat maintains legal access to all of its lots.

BOB BAILEY, SURVEYOR FOR THE PROPONENTS encouraged the Board to approve the request to vacate a portion of Boondoggle Road and East Boondoggle Road. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER JEWELL said he understood Staff's position but didn't believe the request is allowed within County Code. He understood the problems with the project but they needed to follow County Code. He felt the County Code would need to be changed to allow for any exceptions to be made. **COMMISSIONER O'BRIEN** agreed the County Code did not allow the Board any options to approve their request. **MARK COOK, PUBLIC WORKS DIRECTOR** said the Board could leave it as an open request and allow the applicants to go through Superior Court and

then if they had a favorable action, the County could come behind and vacate, only if the applicant chose to go that route. **NEIL CAULKINS, DEPUTY PROSECUTOR** said he was not aware of any provisions within the vacation statute stating that decisions must be made.

COMMISSIONER O'BRIEN moved to deny the request for a Vacation of the unused Right-of-Way. **COMMISSIONER JEWELL** seconded.

COMMISSIONER JEWELL said he empathized with the applicant and had hoped to find a solution for them but he could not. He felt the application was doomed from the beginning as the requirements are not allowed in County Code.

Motion carried 2-0.

CLOSED RECORD MEETING

WAGON WHEEL PLAT AMENDMENT

CDS

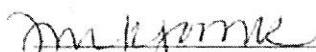
The Closed Record Meeting continued from the 10:00 a.m. Agenda Session was opened.

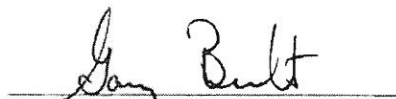
COMMISSIONER JEWELL moved to deny the Wagon Wheel Plat Amendment (LP-14-00001), instruct Staff to prepare enabling documents, adopting the Hearing Examiners Findings of Fact, Conclusions of Law. **COMMISSIONER O'BRIEN** seconded. Motion carried 2-0.

Meeting adjourned at 3:05 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY, WASHINGTON


Julie Kjosrvik


Gary Berndt, Chairman