Board members present: Chairman Perry Huston; Vice-Chairman David Bowen; Commissioner Alan Crankovich;

Others: Julie Kjorsvik, Clerk of the Board; Darryl Piercy, Director of Community Development Services; Joy Potter, Public Works Staff; Patti Johnson, Interim Public Works Director; John Nixon, Public Works Staff; Joanna Valencia, Staff Planner; Randy Carberry, Public Works Staff; James Hurson, Chief Civil Deputy Prosecutor and eight members of the public.

PUBLIC HEARING   CURRIER CREEK ESTATES FRANCHISE   PUBLIC WORKS

At 4:00 a.m. CHAIRMAN HUSTON opened the special meeting to consider granting a Non-Exclusive Franchise on Currier Creek Estates Plat.

JOHN NIXON, PUBLIC WORKS STAFF Eastside Development has not submitted all the necessary information as of date and recommended closing the public hearing and setting another date. He said they assured him they would have the information submitted prior to the hearing.

CHAIRMAN HUSTON suggested that the Board consider the request upon receipt of proper application and accompaniments and to set another public hearing at that time.

Since the applicant failed to respond two times and there being no public interested in testifying, the public portion of the hearing was closed. He said the Board would not be able to take any action without appropriate materials to review.

The hearing was closed at 4:02 p.m.

PUBLIC HEARING   CHARTER COMMUNICATIONS FRANCHISE   PUBLIC WORKS

At approximately 4:02 p.m. CHAIRMAN HUSTON opened the continued public hearing (from July 19, 2005) to consider a new document which would grant a Franchise with Falcon Video Communications.

PATTI JOHNSON, INTERIM PUBLIC WORKS DIRECTOR reviewed the staff report. She said they have worked with legal counsel and they have
submitted a draft document for the Boards review. She reviewed the major changes including the addition of criteria for a Performance Bond, Franchise Fee of 5% gross (which is the industry standard), noting it would only be imposed as of January 1, 2010 to allow other Franchise Agreements to come due and to be fair to everyone. JAMES HURSON, CHIEF CIVIL DEPUTY PROSECUTOR reviewed some of the language included within the Franchise and said the franchise fee was the industry standard. The fee beginning in 2010 could be used towards the General Fund, Capital Improvements or dedicated for Public Works. CHAIRMAN HUSTON said the fee could be bonded and dedicated to light up the dark fiber.

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

COMMISSIONER BOWEN asked if the document had been forwarded to all of the parties that have been involved in the past hearings. MS. JOHNSON said they had been provided a copy, but they did not receive it until yesterday, via email. She felt all of the concerns expressed in the past had been addressed in the current document. CHAIRMAN HUSTON suggested continuing the public hearing to October 4th and have documents ready for adoption on that date. He said to get a notice out to the parties involved and the Board could re-open the public comment for one last time on that date.

CHAIRMAN HUSTON moved to continue the public hearing to October 4, 2005 at 4:00 p.m., to issue another public notice to consider adoption of the document, record to be reopened to public and written comments on the draft document. COMMISSIONER BOWEN seconded. Motion carried 3-0.

PUBLICATION HEARING LITTLE CREEK RANCHES PLAT CDS

At approximately 4:17 p.m. the continued public hearing was opened to consider the Little Creek Ranches Plat Alteration project (P-05-11).

COMMISSIONER BOWEN explained he had looked at the Storie Lane access permit. He reviewed the plat alternation requirements & signatures involved. He said the Prosecutor had given the opinion which included number of lots could be used for the easement would serve 3 lots. DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES explained that the context of statement was for Road Standards and how those were applied. COMMISSIONER CRANKOVICH reviewed the information he reviewed including information from the Storie Lane appeal; the Planning Commission minutes; the building permit issued from the bridge and the Resolution upholding appeal; as well as the Ordinance approving Little Creek Rezone. CHAIRMAN HUSTON announced
those documents would be referenced as additions into the record. There were no objections made by Mr. Piercy or Mr. Nelson to those documents being submitted into the record. CHAIRMAN HUSTON said they were trying to create a template to deal with these types of requests, requiring some level of consensus with owners of the plat. He felt the safety concerns were unsubstantiated but those could be raised in another form. He said the Board has required for plat alterations, that the proponent achieve some success from consent of the majority of people within the plat. He said there was nothing in the record that says it is a superior type of access than previously identified. He explained he would be inclined to turn down the request for a plat alteration, understanding it is contrary to the Prosecutor’s opinion.

COMMISSIONER BOWEN explained he was not aware of the historical information and although it was a tough decision he was also inclined to deny the alteration as well. COMMISSIONER CRANKOVICH said he could understand where Storie Lane would be good access, but it should have been brought out much earlier. He commented on how the construction was started before access permit was obtained and said he had received phone call that it had started. He mentioned the appeal that was upheld of the decision to not grant access permit, but did require plat alteration process. He referenced the Resolution regarding the building permit for a bridge understanding there were no guarantees attached. He could not support the request at this time.

CHAIRMAN HUSTON moved to deny request for a plat alteration for Little Creek Ranches (P-05-11) and to direct staff to prepare the enabling documents for the September 6, 2005 agenda. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

CHAIRMAN HUSTON felt that Storie Lane would probably become a through road later on but they need to come up with a process that evaluates the public benefit versus impacts. He said impacts could be mitigated, but that was not an issue before the Board at this time.

CHAIRMAN HUSTON moved to continue the public hearing for enabling documents until September 6, 2005 at 2:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse. COMMISSIONER BOWEN seconded. Motion carried 3-0.
SET PUBLIC HEARING  SUNCADIA EASEMENT  PUBLIC WORKS

CHAIRMAN HUSTON moved to set a public hearing for Monday September 19, 2005 at 4:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse, to consider granting an easement with Suncadia on Bullfrog Road located within Section 21 and 29 of Township 20 N, Range 15 East and to authorize the Clerk to publish said notice. COMMISSIONER BOWEN seconded. Motion carried 3-0.

Meeting adjourned at 4:40 p.m.

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

CLERK OF THE BOARD

Julie A. Kjorsvik

Perry D. Huston, Chairman