

From: bandaport@yahoo.com
To: [Brad Hallisey](#)
Cc: [Carl Brettmann](#); [Anthony & Maria Lambregts](#); [Tiffany J. Hallisey](#)
Subject: Re: Variance accepted for Kachess
Date: Sunday, June 18, 2023 2:30:44 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

We do not want to prevent you from building your house, but we do need more information to allay our concerns before we give our approval for changes to the road and for the maintenance agreement.

Would you please let us know who you mean by "they" when you say: "My assumption is that they will mark it out, otherwise how does the operator know where to work."

Have you hired someone to do the road work? If so, who? And is it already scheduled? We assume it has not, since we have not given approval for work on our property, nor have we agreed on a future road maintenance plan.

We would also like to see the Geotech and Critical Area surveys and reports and specifically what their assessment is for hillside stability and for the potential future weakening due to the work that is being proposed to modify the road.

As we have requested before, we do need to see the areas of the road showing the proposed modifications by being staked out so we can view where and how these changes are proposed to be before we can give consideration for approval. We do have concerns that modifying the road could introduce instability to the road, in that widening it will create steeper sides which could result in sliding and sloughing above and below. This situation could also be worsened by removing trees. We also have concerns that the proposed changes for the road, could increase the probability of future, larger expenses to maintain the road due to increased instability.

Viewing where the modifications are planned to take place and the review of the above mentioned surveys will help to see whether or not we may have potential for the above listed concerns, including the resulting aesthetics of the proposed work.

Thanks for this information, we look forward to seeing it.

Alicia and Bill
206-817-0507

On Friday, June 16, 2023 at 06:46:47 PM PDT, Brad Hallisey <wheezard@gmail.com> wrote:

Roger that, specifically this:

"Maintenance of Easement: The lot owners shall be responsible for maintaining the easement in a manner consistent with the standards set forth by the Kittitas County Road Variance RV-22-00002 and in accordance with all applicable laws and regulations. The lot owners shall keep the easement free of debris and other obstructions that could impede access to any of the lots granted access in the original easement agreement 424966."

From my discussions with the committee during the hearing was that they want the road brought up to the standards set forth in the variance and then some guarantee that we'll maintain that level. They did not indicate any future improvements and that is reflected in the variance granted.

My comment to them was that the land owners are already committed to maintaining the road and have a track record of doing so. Given that future maintenance will be cheaper given better road design, I did not think this would be contentious. If you think my calculus is off here, I'm willing to explore that with you. Probably better done in a call.

On Fri, Jun 16, 2023 at 6:24 PM bandaport@yahoo.com <bandaport@yahoo.com> wrote:

I'm sorry, my #4 was in the road maintenance agreement you had written up. I believe all our purchase documents are in our safe deposit box which I haven't gone to get yet.

On Friday, June 16, 2023 at 05:33:24 PM PDT, Brad Hallisey <wheezard@gmail.com> wrote:

Yes, the biggest changes will be in the entry off Via Kachess because of the slope of the entry. To my understanding this is primarily on your (Schmidt's) property. The run up the hill, where the county's concern about sight lines is primarily on the Lambert's property.

Your question about marking is a good one. My assumption is that they will mark it out, otherwise how does the operator know where to work. I will follow up on that.

I'm not sure what #4 you are referring to, can you clarify?

RE: Road agreement and attorney.

I can tell you what I know, which is that existing structures are grandfathered in. Any new construction over 200 sq.ft. will require a building permit, which requires the road improvements. If we do this work and meet the variance requirements the county set forth, then any future building would have a strong case for a similar variance. You may be required to do extra work from where our property ends to yours but that is significantly less. I do not believe the county can come in and retroactively apply requirements on existing structures, given current statutes. Given this is governed by a political body, that could change at any time. I'm not comfortable making predictions about where that lands in the future. The better condition that road is in, the less likely they'll step in.

The bigger concern here are insurers. In our talks with Kittitas county during the variance consideration, the fire department considers our properties as difficult to defend (putting it nicely). Meaning they have the right to not send a fire truck up the existing road. This has impacts on insurance. It must also be disclosed to any potential buyers. For those with existing policies, it probably has not come up. Any new policy for future construction or potential buyer of existing structures will have to deal with this. Our early explorations into the insurance situation has become one

of our concerns in building.

The road agreement documents we have are what was given to us at the time we purchased. They are old but should be the same documents you received when you purchased your property.. We presented these to the county during the variance hearings and played a part in the county's decision to grant the variance. As part of this agreement, all work will be done within the 20 ft easement. We did hire a land attorney to confirm our rights, given the easement and their counsel was that we have the right to do whatever is necessary in that easement. Our goal is to minimize the impact as much as possible but it is a balancing act between that and appeasing the county/insurers.

--Brad

On Fri, Jun 16, 2023 at 4:31 PM bandaport@yahoo.com <bandaport@yahoo.com> wrote:

Thanks for the info on firewising. We do have some trees we would like to get out.

When you say the road changes are with the civil engineer now, what does that mean? Is someone going to mark out where it is intended that road will be modified? I think it was determined that most of that work will impact ours and Lambregts property physically, but aesthetically it impacts all of us. We wanted to see stakes lining the areas where the work is planned to be done. We would like to get up there to see that once marking is done.

Also, Do you have a copy of the current road agreement? We are wondering about #4 and whether or not Kittitas could come in the future and tell us our road is not up to their standards? Have you had this reviewed by an attorney?

On Friday, June 16, 2023 at 03:12:48 PM PDT, Brad Hallisey <wheezard@gmail.com> wrote:

Hi Alicia && Bill,

Yes, the snow went off pretty early this year. We were able to head out mid-May. So far the carpenter ant swarm has been pretty minor for us. Previous years it was pretty bad. Also there were a lot less fallen trees this winter which was nice.

The road changes are with the civil engineer now. I don't have a timeline of when that'll be done but I'll be sure to let everyone know when we do. I'm hoping that is relatively soon as the survey was done a while ago.

Since everyone is on this reply, I'll also append this - Last year we learned from other KRMA members that you can get reimbursement for firewising your property. There are two different programs, one via Washington State DNR and one via the USDA. WA State one is easier but only reimburses \$1k/acre where as the USDA one can be significantly more. I've reached out to a few contractors that provide the service and they come in around \$3k-\$4k per acre. Part of that cost is the cost of moving the machinery. So if multiple people did it together, the cost would go down. I'm not suggesting anyone should do it, just offering it up as we will likely have our property done sometime soon. This is not a logging operation, like what was done on the ridge. I'll be adamant that any thinning is significantly less than what was done there. Plus we'll keep the 50' buffer to the road per KRMA by-laws (that nobody seems to abide by).

Cheers,

--Brad

On Fri, Jun 16, 2023 at 2:35 PM bandaport@yahoo.com <bandaport@yahoo.com> wrote:

Hi Brad,

Has the snow cleared from our shared road yet? And has the road been marked as to where the proposed changes are along the road? We have been wanting to see the proposed changes.

Alicia and Bill
206-817-0507

On Monday, April 24, 2023 at 07:28:50 PM PDT, Brad Hallisey <wheezard@gmail.com> wrote:

Hello everyone,

I hope winter treated you well. As spring approaches we are working with our General Contractor to get some of the basics done for building. The road is of primary importance as acceptance of the variance is required first. As I get more details from the engineers, I will share it here with you all.

That brings up the shared maintenance agreement the county asked for. I apologize for not sending it out over the winter like I had planned. I am attaching it to this email. I can have you sign it and mail it back to me, send you a physical copy to sign or send you a DocuSign agreement. Let me know your preference.

Tony had expressed interest in doing something similar for the well. If that is something folks are interested in and would like us to get language drafted around that as well, let me know.

We may visit the place this weekend, considering temperatures are predicted to hit the 70s. I suspect there will still be some snow on the road but can give you updates on accessibility. I may not be as able to cut out downed trees this year as previous. I'm still recovering from a shoulder injury and I'm unsure of how well I can manage the saw. On the plus side, if the contractors get out there to improve the road, they can handle that for us!

--Brad

On Fri, Sep 9, 2022 at 3:51 PM Brad Hallisey <wheezard@gmail.com> wrote:

My apologies. I was not trying to cut anyone out of the conversation. I read "but we would like to discuss this with you first" as a request for a prior one on one discussion and that is what I was replying to.

I'll reiterate that I'm available to discuss questions or concerns and that as soon as I know any concrete information I make sure to inform the group.

--Brad

On Wed, Sep 7, 2022 at 8:58 PM bandaport@yahoo.com <bandaport@yahoo.com> wrote:

I apologize to Tony and Carl. I did not realize that Brad had only responded to me. Please see below for our emails.

----- Forwarded Message -----

From: bandaport@yahoo.com <bandaport@yahoo.com>
To: Brad Hallisey <wheezard@gmail.com>
Sent: Wednesday, September 7, 2022 at 08:33:53 PM PDT
Subject: Re: Variance accepted for Kachess

Yes, you did send info to all of us. However, we realized that there had been no discussion about it, that we know of, and no-one has said on an email whether or not they agree with going forward. Have any of the other property owners told you if it is ok with them to have the road work done?

On Wednesday, September 7, 2022 at 07:42:48 PM PDT, Brad Hallisey <wheezard@gmail.com> wrote:

Hello Alicia and Bill, good to hear from you.

I thought I had sent you some information before but I'm happy to talk it through with you as well. Most evenings after 6pm are good, except Tues/Weds which would have to be closer to 7:30pm. I'm pretty available on the weekends except those that we spend out at Kachess where connectivity is an issue. This Thursday/Friday evening would both be good times.

The road maintenance would be a formal agreement of what we have now, where we maintain the road. With the exception that we maintain it to the standards in the variance. I have some draft language around it but would love input from the group.

--Brad

On Wed, Sep 7, 2022 at 12:56 PM bandaport@yahoo.com <bandaport@yahoo.com> wrote:

I'm sorry we have been slow in responding. We would like to talk about what exactly is being proposed to be done on our property and the rest of the road. As a group, we would also need to agree as to what the road maintenance agreement would be. Eventually, we should have a conference all with all property owners, but we would like to discuss this with you first?

Let us know what time may work for you so we can set a mutually agreeable time.

Alicia and Bill

On Thursday, August 18, 2022 at 09:47:08 AM PDT, Brad Hallisey <wheezard@gmail.com> wrote:

Hello Kachess Neighbors,

After trying to sort out the road requirements for nearly 18 months now, we finally have a

formal variance from the County! I attended their meeting last week and argued the case for minimal alterations. The attached PDF has the official requirements. I want to take this opportunity to explain the requirements in detail. If you have any questions or concerns please let me know.

8a) Road maintenance agreement. They are asking for a document signed by all land owners that agree to keep the road maintained. I told the committee I did not think this would be an issue as we already have a similar agreement for the well. We've also split the cost of road maintenance in the past. The County is asking for the landowners to promise we will keep the road in good repair going forward. I was told by both Josh and Darron (DTR Engineering) this can be a pretty informal document. Darron did advise me to include language about maintaining the road for current use. For example, if one of the land owners starts a business and increases traffic on the road considerably, the other land owners wouldn't be responsible for that new wear and tear.

8b) The entry by the gate exceeds 17% in the steepest part but only briefly. DTR Engineering believes we can mitigate this with some of the work in 8c. At one point the committee was leaning towards paving but we were able to push back on that.

8c) The proposal is to add two turnouts so that an emergency vehicle can pass by a car headed in the opposite direction. Our proposal was to add one turn out at the switchback by the gate. This will require some clearing of trees to widen the corner. This widening will also allow for some mitigation of the slope to meet requirement 8b. The second turnout would be on our property where the road curves back to the left. This means the two turnouts would be in site lines of each other. That second corner is already one of the wider parts of the road so will require minimal clearing.

8d) Potentially the most contentious requirement but the way Josh worded it, I think we have the ability to minimize impact. The fire marshal really wanted a 16 foot wide road but we convinced him that with a 20 foot easement and the shoulder requirements for a road that was not possible. We will clear the understory trees to allow for widening where possible in the easement. We will not remove any of the dominant trees that are currently encroaching on the road. The county may push back on this and require removal of them when they do their inspection.

8e) The Halliseys agree to not block any future road improvements if another landowner decides to build/upgrade and has to go through this same process.

Not listed in the requirements but as part of official code, we will also be required to install a lock box for the Fire Marshal to have access to the gate.

Brad & Tiffany Hallisey
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