COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
PUBLIC HEARING

WEDNESDAY 4:00 P.M. JANUARY 14, 2004

Board members present: Chairman Perry Huston and Vice-Chairman Bruce Coe.

Others: Julie Kjorsvik, Clerk of the Board; James Hurson, Civil Deputy Prosecutor; Allison Kimball, Community Development Services Operations Supervisor; Clay White, Staff Planner; Catherine Dunn, Community Development Services Administrative Assistant, and approximately 6 members of the public.

PUBLIC HEARING OAK TREE ESTATES REMAND COMMISSIONERS

At 4:00 p.m. CHAIRMAN HUSTON opened a public hearing to consider the Oak Tree Estates remand. He reviewed the Stipulation and Order signed by Superior Court Judge Michael Cooper and outlined the hearing process.

CHAIRMAN HUSTON asked for a staff report. CLAY WHITE, STAFF PLANNER, reviewed the history and said the Board approved the request on August 19, 2003, through Resolution #2003-94. An appeal was filed to the decision on September 9, 2003, citing Item Six on page two of the Resolution required, "a right-of-way easement shall be required that along the northern property line of Lot C-6, to the eastern boundary of the plat, in order to provide potential future access to adjoining property". There was a similar request for Shira Estates submitted (abutting Oak Tree Estates to the North), and the same comments were received by the Public Works Department. However, when the Resolution for Shira Estates was prepared, a statement was not included requiring the easement or right-of-way. He noted the same property owns the Shira and Oak Tree Estates Plats. PAUL BENNETT, PUBLIC WORKS DIRECTOR read from his staff report dated January 14, 2004. He recommended continuing the use of the right-of-way language, in order to possibly form a connected looped county road to facilitate emergency access and traffic management. The extension of the Oak Tree Estates right-of-way would be important if the county desires to create additional county roads that connect to the east. There were numerous examples of where this procedure had been used to allow for future continuation of county roads (Grasslands area, Titis S.P., Woodlawn Farm S.P., Cedar Cove and others). He noted receipt of letters from Joseph Paul Williams, Attorney at Law, and an email dated January 12, 2004, from Eli Shoval.
JIM DENISON, ATTORNEY REPRESENTING THE APPLICANT, presented an Exhibit packet to the Clerk for the record. He explained his clients had never received information regarding the possibility of giving access to neighboring property, and said there was nothing in the record either. He said the surrounding property owners had access to their property at a different point. He explained why it would be unconstitutional for the County to try and take away private property for the possibility of needing it for future use. He mentioned the Resolution approved by the Board of County Commissioners did not include any reference of a condition that his clients would need to give up anything for other access.

JOE WILLIAMS, ATTORNEY REPRESENTING THE PROPERTY OWNERS EAST OF THE OAK TREE ESTATES AND SHIRA ESTATES, said his clients were landlocked and did not have any access to their property. He said they only access their property to harvest timber, approximately every 20 years. CHAIRMAN HUSTON asked what is on the property title for access. MR. WILLIAMS said there is nothing on the title for access. An adjoining property owner has allowed them to use his property to drag trees. He explained the county could mandate an easement for emergency access. THOSE PRESENT & TESTIFYING: LARRY LONGBRAK representing Eli Shovel, said he had nothing against the other property owners, but felt they knew there was not an easement before they purchased their property. He said Mr. Shovel may be interested in negotiating with the owners, but they have not expressed an interest. MR. HURSON said it was a very important policy decision for the Board. The County would be developing a circular road system for the public’s use, and explained the County was not trying to stop access or give access to anyone. It is to allow for an orderly, logical road system, giving egress and ingress for emergency vehicles. He acknowledged the condition left out in the Resolution was an error, but the County could correct it and move forward. MR. WILLIAMS felt a possible solution could be to grant a variance for minimum lot sizes. MR. DENISON gave a rebuttal and said there were two different property owners, and they would have no hesitation in suing the County, if needed. MR. BENNETT said the Department of Public Works did a search on the Quit Claim Deeds, and did not find any other access. He felt if the County obtained a Quit Claim Deed for 30 feet, there would not be a significant loss of any one lot. THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

CHAIRMAN HUSTON said there was no clear cut with “takings” and the ultimate question was, if it would be serving the public’s interest. He said the County had been trying to move towards a policy for public transportation systems, and have them be applied uniformly. He reviewed concerns that he had relating notice given to the proponent; if it was documented; and the impacts and benefits to the
public. He said he was inclined to not require and remove the condition from the Plat. He said access to the other property was irrelevant and he would not force that issue. He felt he needed additional time to review the matter. COMMISSIONER COE said he was sympathetic, and said mistakes do happen. He explained the County could decide to condemn the short plat, if it were found to be a benefit of or for the public. He did express concerns of access for emergency vehicles.

COMMISSIONER COE moved to continue the public hearing to Tuesday February 3, 2004, at 4:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse, record to remain closed, noting that advise could be sought from legal counsel, and to notify opposing legal counsel’s to allow them to respond. CHAIRMAN HUSTON seconded. Motion carried 2-0.

CLERK OF THE BOARD

Julie A. Kjorsvik

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Perry D. Huston, Chairman