

## Lindsey Ozbolt

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**From:** Lindsey Ozbolt  
**Sent:** Thursday, March 17, 2016 10:14 AM  
**To:** 'Brian Crowley'  
**Cc:** Doc Hansen  
**Subject:** RE: SP-15-00006 Amended Upland Development - Transmittal of Comments

Hi Brian,

I have forwarded your email on to Doc Hansen, our Director. We are discussing it and hope to get back to you soon.

Regards,

Lindsey Ozbolt  
Planner II  
Community Development Services  
411 North Ruby St., Suite 2  
Ellensburg, WA 98926  
509.962.7637

**From:** Brian Crowley [mailto:brian@crowley.net.com]  
**Sent:** Thursday, March 17, 2016 9:30 AM  
**To:** Lindsey Ozbolt  
**Subject:** Re: SP-15-00006 Amended Upland Development - Transmittal of Comments

Hi Lindsey,

Any feedback for me on this?

Thanks,

Brian

On Tue, Mar 15, 2016 at 12:46 PM, Brian Crowley <[brian@crowley.net.com](mailto:brian@crowley.net.com)> wrote:  
Hi Lindsey,

I've been thinking more about our call with the roads department the other day and the assertion that because we are asking for a minor modification to our short plat that the entire short plat has to be brought up to current standards. Let me explain my thinking and please tell me where you believe that I am going wrong:

1. KCC 16.32.100 provides for the alternation of Short Plats.
2. If the alternation does not involve a public dedication (I believe that our alteration does not), then the alternation is processed according to the five provisions listed in 16.32.100.
3. Provision #2 states: "Revisions that result in any substantial changes shall be treated as a new application for purposes of vesting".

4. Our position is that the shared easement between Lot 2 and Lot 3 as shown on the existing plat is not needed: The driveway to Lot 2 has already been constructed and that driveway is completely on Lot 2, therefore Lot 2 does not need the easement. I am the owner of Lot 3 and I wish to construct my driveway further to the east therefore I do not need the easement. Removing the easement has no substantial impact the rest of the short plat, it has no impact on the neighbors to the plat and assuming that the road department will approve my driveway location (which they did verbally last summer) removing the easement will have no impact on the road network.

4. Since there we are not proposing a substantial change to the plat the existing vesting from 2004 should stand and the requirement to upgrade the private road to Lot #1 should not be imposed.

Please have a look at the ordinance that created KCC 16.32.100 - <https://www.co.kittitas.wa.us/uploads/bocc/ordinances/2011-013-ordinance.pdf>.

It looks very clear to me that removing an easement that is no longer needed was one of the drivers to create this section of the county code - see the highlighted text below taken from the linked document:

"...Currently Kittitas County Subdivision Code does not have provisions for amending recorded short plats. RCW 58.17.212 provides procedures for the alteration of subdivisions, but nothing for short plats. There have been several occasions when a recorded short plat needed to remove a plat note that was no longer applicable, **or to remove an easement that was no longer needed**. Based upon the Prosecutor's Office opinion, the only way to make these changes was for the property owner to reapply for a short plat. The current fee is \$1,450. This amendment would create a review process for amending a recorded short plat needing minor changes. The fee would be 50% of the nominal application fee according to the adopted fee schedule. ..."

This seems pretty straightforward to me that our current vesting should stand and since there were no other objections to our application we should be allowed to move forward. Happy to discuss on the phone if that is easier for you.

Regards,

Brian

On Mon, Mar 14, 2016 at 2:51 PM, Lindsey Ozbolt <[lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)> wrote:

Attached you will find a pdf of the transmittal of comments letter and all comments received during the comment period for the Amended Upland Development application (SP-15-00006). A hard copy has been placed in the mail to each of you.

Please contact me if you have any questions.

Regards,

Lindsey Ozbolt

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