



# **KITITAS COUNTY**

## **DEPARTMENT OF PUBLIC WORKS**

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### STAFF REPORT

TO: Kittitas County Road Variance Committee  
FROM: Joshua Fredrickson, County Engineer  
DATE: June 6, 2022  
SUBJECT: Hallisey Access, RV-22-00002

#### I. BACKGROUND INFORMATION

Proposal: A Road Variance Application from DTR Design & Consulting LLC (Applicant) on behalf of Brad and Tiffany Hallisey, owners of parcel 556635, located in Easton, WA, asking for a variance in the 2015 Kittitas County Road Standards 12.04.080 Private Road Design Criteria, related to the Joint-Use Driveway standards for Maximum Grade and Roadway Width identified in Table 4-4A.

Proposed Mitigation: Applicant is requesting to keep the joint-use driveway in present condition in respect to grade and width. It is proposed to widen the road where possible, providing for turnouts, likely at two locations. Also, to widen the switchback at the entry and to improve the entry gate.

History: Parcel 556635 shares an access road and easement between four land owners. Residential construction occurred prior to 2000 on two of the four parcels accessed from the existing joint-use driveway. With County code changes over the years requiring tracking of private roads and driveways, requirement changes have limited the ability to construct within the existing easement. The existing easement limits the Hallisey's ability to meet the current driveway standard requirements. The existing easement also limits the ability to remove trees along the driveway. Area near the entrance would remain with segments in excess of 15% and extends a little more than 100 feet.

Location: Parcel number 556635 is located at Via Kachess Road Easton WA, in section 07, Township 21, Range 13 East.

#### II. POLICY AND REGULATORY REQUIREMENTS IN RELATION TO REQUEST

The proposal is for a variance to waive the 2015 Kittitas County Road Standards 12.04.080 Private Road Design Criteria for driveway maximum grade and roadway width identified in table 4-4A.

#### III. SUGGESTED FINDING OF FACTS

This matter having come before the Road Variance Committee upon the above referenced Road Variance Application submitted by DTR Design & Consulting LLC (applicant), on behalf of Brad and Tiffany Hallisey, owners of parcel 556635 the Road Variance Committee makes the following Findings of Facts, Conclusions of Law and Decision related to the above referenced matter:

1. The Road Variance Committee finds that DTR Design & Consulting LLC (Applicant), on behalf of Brad and Tiffany Hallisey, owners of parcel 556635 submitted a road variance application on April 04, 2022
2. The subject property is located on Via Kachess Road in Easton, WA.
3. The Committee Finds that the applicant is asking for a variance to waive the 2015 Kittitas County Road Standards 12.04.080 Private Road Design Criteria, maximum grade and width for joint-use driveway.
4. The Committee finds that DTR Design & Consulting (Applicant) is requesting keeping road in present width and surfacing.
5. The Committee finds that DTR Design & Consulting LLC (Applicant) proposes to widen where possible and provide for turn outs.
6. The Committee finds that an open record hearing was held on August 10, 2022 and that testimony was taken from those persons present who wished to be heard.
7. The Committee finds that the proposal **is/is not** in the public interest and that the requirements for safety function, fire protection, appearance and maintainability based upon sound engineering judgement are/are not fully met, as required by KCC 12.01.130.
8. The Committee finds that additional conditions **is/are not** necessary to protect the public's interest.



**KITTITAS COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**

**ROAD STANDARDS VARIANCE APPLICATION**

Application for: Road Variance \$1,075.00 Payment Method:  Check 2649  Cash  Credit Card

Owner Name Brad and Tiffany Hallisey  
Mailing Address 7200 138th PL NE  
Redmond WA, 98052  
Phone Number 206-697-2988  
Email Address wheezard@gmail.com rotnella@gmail.com

Applicant Name DTR Design & Consulting LLC (Daron Rarden)  
Mailing Address 50 Pioneer Trail Rd, Cle Elum, WA 98922

Phone Number 509-260-0300  
Email Address dcrarden@yahoo.com

**RECEIVED**  
Permit # RV-22-00002  
**APR 04 2022**  
**KITTITAS COUNTY**  
**DEPT OF PUBLIC WORKS**

DATE STAMP

**Variance Request Information**

Applicant to provide supporting documents and an area map.

1. Property Tax Parcel numbers: 556635

2. Narrative project description:  
The Hallisey family would like to build a cabin on their property at 1167 Via Kachess.

To obtain a building permit they must meet the road standards

3. Provision of road standards for which this variance is requested and the way in which you wish to vary from the standards:

12.04.080 requires joint use driveways to maintain a width of 12/16 feet and a maximum grade of 15%

Reason for the variance request:

The existing access road is a shared easement between four land owners. One of those owners has voiced strong opposition to any changes to the road. Others have voiced concerns.

The existing easement limits the Hallisey's ability to improve the road.

4. Proposed Mitigation for requested variance:

Widen the road where possible, providing for turn outs.

Widen switchback at entry to mitigate steep slope and improve access for large vehicles.

Improve entry gate to current standards and provide access to fire marshal

5. Are there any other pending applications or issues associated with this property?

Yes  No  If yes, describe: \_\_\_\_\_

Application is hereby made for permit(s) to authorize the activities described herein. 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. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

Signature of Authorized Agent: [Signature] Date: 4/4/22

Signature of Land Owner of Record: \_\_\_\_\_ Date: \_\_\_\_\_

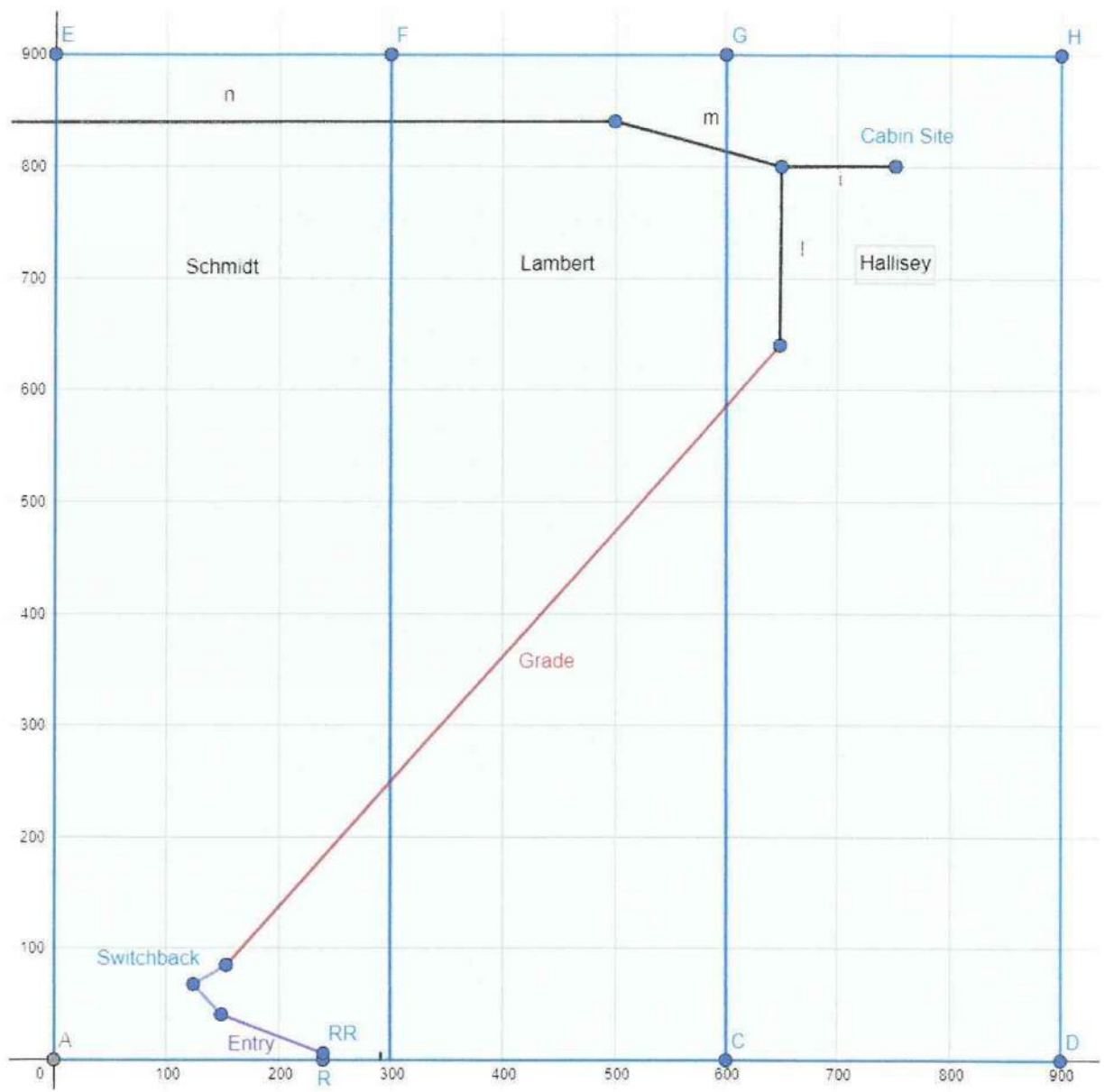
TO: Community Development Services

Addendum to the Hallisey's application for a road variance at 1167 Via Kachess, parcel #556635

The Hallisey's were advised that the existing access road shared with the Lamberts (#566635), Schmidts (#576635) and Brettman's (#586635) did not meet current county requirements. The Lambert's and Brettman's structures fall under the grandfather clause and are not required to make modifications to the existing access road. The Halliseys contacted all parties with joint ownership of the access road about necessary improvements to meet current standards. They were met with resistance (see attached Lambert email) to modifications by certain stakeholders.

Mr. Hallisey met with Zachery Peebles from Kittitas County Public Works to discuss their options. Mr. Peebles suggested that widening the road within easement restrictions, adding turnouts where possible may be sufficient to meet safety standards. Mr. Peebles noted that the slope of the entry near the gate was of greater concern for safety vehicle access in the case of an emergency.

Mr. Hallisey had further conversations with the Schmidt's after his meeting with Mr. Peebles as the entryway resides on their property. The Schmidt's were less resistant to improvements than the Lamberts but still expressed a strong desire to minimize impact to the vegetation and tranquility of the area.



**Email received from Tony Lambert 09/04/2021**

Brat, Tiffany,

I have tried to organize a Lot 17, 18 and 19 common response to your email message, but we all have very different requirements and considerations, so we decided that each can speak for themselves, as they wish.

I understand you may wish to build a cabin on your lot and that you need to do "due diligence", exploring the feasibility and practicality of your plans. Regarding the joint access road:

I have inquired with the county and I spoke to Gale Wendt (509 -962-7506). Here is what I came away with.

- Access road requirements are triggered only for the lot of the building site and are a condition of issuing a building permit.
- A permit to build the access road is also required.
- Other lot owners sharing an existing access road have no new requirements for access road improvements and are not obligated to consent and pay a share of the cost of modifying the existing access road for the purpose of meeting county access requirements to the lot 16 building site.
- You may apply for a variance and there is a reasonable chance that you may get it and use the existing shared access road without modification, on the grounds that the existing access road is shared by 3 more lot owners who have no need to modify it, do not want to modify it, nor incur the associated costs. The county does not stand to gain anything by requiring the upgrade of the access road as a condition for issuing a building permit. It should make no difference to the county whether there are 3 or 4 users, so why impose new road requirements? The county should be sensitivity to the concerns of the lot owners in terms of ecological damage and the cost to the owners of lot 16.
- In the past the road has served repeatedly without difficulty to get a large drilling rig in for drilling and re-drilling the water well and for construction and maintenance trucks for the cabins on Lots 17 and 19.

We (lot 17 owners) are very much opposed to modifying the shared access road for the following reasons:

- It may be difficult and very costly to modify the shared access road to the new County standards



- To achieve the 16 ft width with shoulders would likely require a considerable amount of tree cutting and rock blasting in certain places on the west side of the road on lot 17. In several places, the current road already touches bedrock. On the west side fill dirt will be needed to cover the hillside scars and to stabilize the hill. On the east side many truckloads of additional dirt will be needed in several places, pushed over the bank to achieve the intended width and this new loose dirt will need to be compacted and stabilized, typically by large basalt blocks, to make it safe to drive on and prevent sluff off and wash away of the fill dirt. All this will leave an esthetic disaster, akin to forestry/logging roads scarring many mountain sides around us.
- The steep road gradient at on the bottom just past the gate and close to the upper access point to lot 16 may require paving. It is not clear what type of paving would be required. Having paving in some places and not others will look bad and cheap.
- A wider gate may also be needed if the road is widened: more costs and a bigger “invitation” for cross country motorcycles and snowmobilers to get onto our properties. This already has been a problem before. In the past we have had to chase away snowmobilers from our lots.
- Needless to say, all this will be very costly. In any case, the cost of an access road to the lot 16 building site will be dominated very overwhelmingly by County's requirements.
- Re-construction of the shared access road would be of little or no benefit to the current owners of lots 17, 18 and 19. The current gradients are not a problem to any of us. A wider road will not significantly reduce the forest/house or cabin fire hazard or enhance firefighting capability. The current CRMA firefighting equipment can easily get up our existing access road. The Easton fire department is too far away to be of much help in case of a fire. The locked gate, dry underbrush and downed trees on our lots are much bigger issues in this regard.

Furthermore, a widened access out road will

- destroy the relative seclusion of our cabin on lot 17, mainly due to the need to cut trees
- depreciate the desirability and value of our lot 17 property
- increase the risk of fill dirt cave ins, bank erosion, wash outs and in general, increase the maintenance cost to all 4 lot owners.

In conclusion, we like the road to stay as it is. Since modifying the joint access road may not be in the cards, you may want to pursue a County Variance to allow you to build using the existing joint access road. Alternatively, you may want to consider building a new access road on your lot, or perhaps opt to build closer to Via Kachess Road.

Tony Lambregts

424966

Real Estate Excise Tax Exempt

600

EASEMENT

6527

BETTE J SPENCE  
Kittitas County Treasurer

8/4/78

By J. J.

For a valuable consideration, receipt of which is hereby acknowledged, the Grantor

Jim Peele (Lot #16)

hereby grants and conveys to the Grantee Frank Scott (Lot #17); Gary Simmons (Lot # 18); and Ken and Carolyn Brettmann (Lot # 19) and their successors and assigns, the right, privilege and authority to construct, improve, repair and maintain an existing access road

across, over and upon the following land, located in Kittitas County, State of Washington, to-wit: Lot 16, Plat of Kachess Ridge, as recorded in Volume 7 of Plats at pages 21-26, Records of Kittitas County, Washington. (Section 7, TWP. 21 North, Range 13 East of the Willamette Meridian in Kittitas County.

The Grantor shall make no use of the land occupied by said road except for purpose of ingress and egress to abutting property

In exercising the rights herein granted, the Grantee's successors and assigns, may pass and repass over said access road and may cut and remove brush, trees and other obstructions which in the opinion of the Grantee's interfere with ingress and egress.

The covenants herein contained shall run with the land and are binding upon all subsequent owners thereof.

The center line of said road shall be parallel with, and not more than feet distant on either side from, a line of centers of the road.

The approximate location of the existing access road is shown in Attachment A. The width of the access road shall not exceed 20 feet.



In Witness Whereof, The said Grantor has executed this instrument the 29th day of July 1978

James J. [Signature]

AUG 10 1978

OFFICIAL RECORDS

rel 102 PAGE 336



STATE OF WASHINGTON,

ss. (INDIVIDUAL ACKNOWLEDGMENT)

County of KING

I, RONALD C. THORESEN Notary Public in and for the State of Washington, residing

at SEATTLE do hereby certify that on this 29<sup>th</sup>

day of JULY, 1978, personally appeared before me JAMES

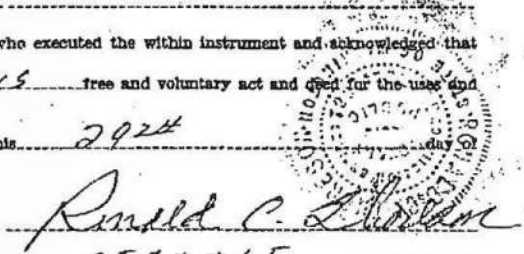
PEELE

to me known to be the individual AS described in and who executed the within instrument and acknowledged that

HE signed and sealed the same as HIS free and voluntary act and deed for the use and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 29<sup>th</sup>

JULY, 1978 day of



Notary Public in and for the State of Washington, residing at SEATTLE in said County.

KITTITAS COUNTY AUDITOR  
FILED REQUEST OF:  
Kenneth Bretmann  
\*78 AUG 4 AM 9:46

No. _____	EASEMENT RIGHT OF WAY	FROM	TO
_____			

10L102 PAGE 337

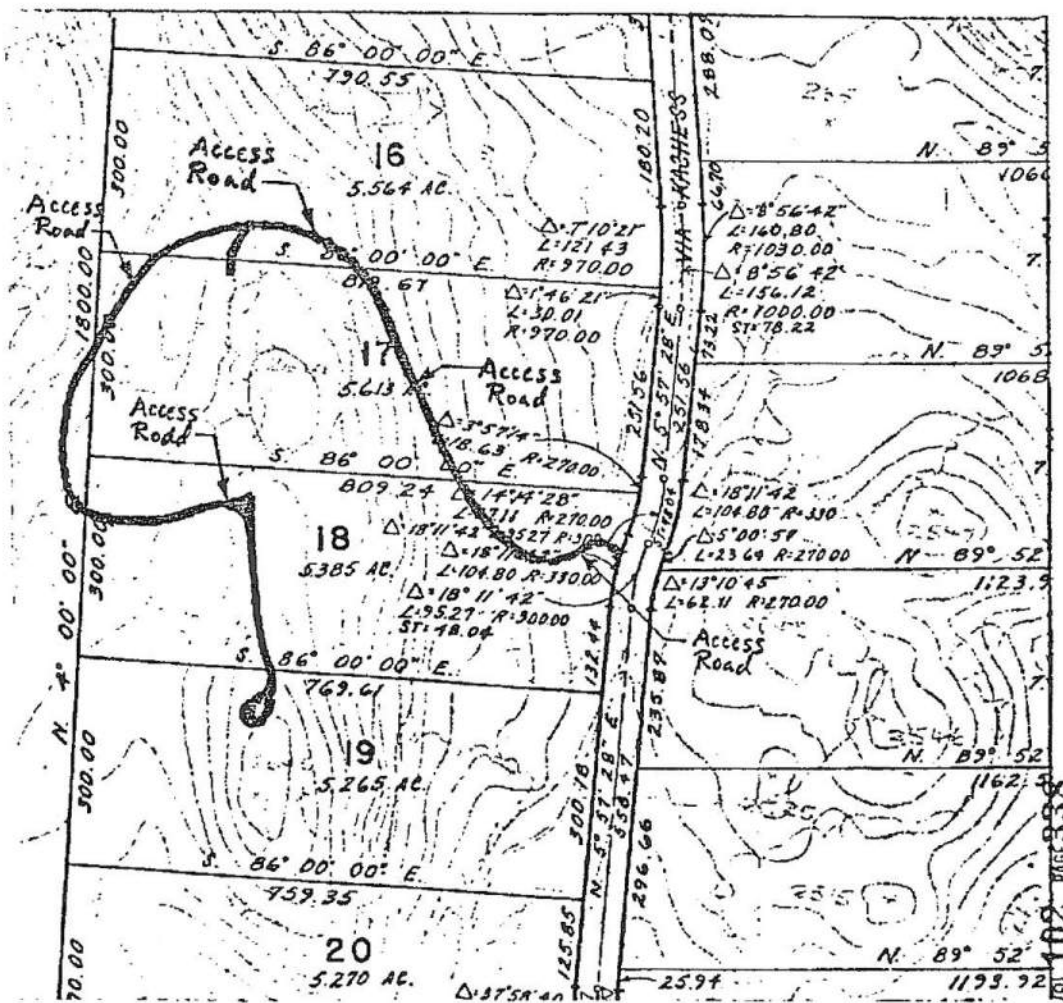
OFFICIAL RECORDS

AUG 10 1978

Attachment A

# KACHESS RIDGE

SECTION 7, TWP. 21 N.,  
RGE. 13 E., W.M.  
KITITAS, COUNTY, WASHINGTON



OFFICIAL RECORDS

AUG. 10. 1978

78L102 PAGE 538

GRANTOR \_\_\_\_\_

GRANTEE \_\_\_\_\_

481729

ORIGINAL #4.00

COMPARED **PUGET POWER** EASEMENT FOR UNDERGROUND ELECTRIC SYSTEM

For and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged,

THOMAS G. AYRES and LYNN M. AYRES, husband and wife,

("Grantor" herein), grants, conveys and warrants to PUGET SOUND POWER & LIGHT COMPANY, a Washington corporation ("Grantee" herein), for the purposes hereinafter set forth a perpetual easement under, across and over the following described real property (the "Property" herein) Kittitas County, Washington.

Lot 16, Kachess Ridge, according to the plat thereof recorded in Volume 7 of Plats, pages 21-26 inclusive, records of Kittitas County, Washington.

Situate in the Southeast quarter of Section 7, Township 21 North, Range 13 East, W.M.

KITTITAS COUNTY AUDITOR  
FILED REQUEST OF: *PS&L Co.*  
1984 AUG 24 AM 10:15

Except as may be otherwise set forth herein Grantee's rights shall be exercised upon that portion of the Property (the "Right-of-Way" herein) described as follows:

A Right-of-Way 10 feet in width having 5 feet of such width on each side of a centerline described as follows:

The centerline of Grantee's facilities as constructed or to be constructed, extended, or relocated, lying within the above described Property.

1. Purpose. Grantee shall have the right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system upon and under the Right-of-Way together with all necessary or convenient appurtenances therefor, which may include but are not limited to the following: underground conduits, cables, communication lines; vaults, manholes, switches, and transformers; and semi-buried or ground mounted facilities. Following the initial construction of its facilities, Grantee may from time to time construct such additional facilities as it may require.

2. Access. Grantee shall have the right of access to the Right-of-Way over and across the Property to enable Grantee to exercise its rights hereunder, provided, that Grantee shall compensate Grantor for any damage to the Property caused by the exercise of said right of access.

3. Obstructions; Landscaping. Grantee may from time to time remove trees, bushes, or other obstructions within the Right-of-Way and may level and grade the Right-of-Way to the extent reasonably necessary to carry out the purposes set forth in paragraph 1 hereof, provided, that following any such work, Grantee shall, to the extent reasonably practicable, restore the Right-of-Way to the condition it was immediately prior to such work. Following the installation of Grantee's underground facilities, Grantor may undertake any ordinary improvements to the landscaping of the Right-of-Way, provided that no trees or other plants shall be placed thereon which would be unreasonably expensive or impractical for Grantee to remove and restore.

4. Grantor's Use of Right-of-Way. Grantor reserves the right to use the Right-of-Way for any purpose not inconsistent with the rights herein granted, provided: that Grantor shall not construct or maintain any building or other structure on the Right-of-Way which would interfere with the exercise of the rights herein granted; that no digging, tunneling or other form of construction activity shall be done on the Property which would disturb the compaction or unearth Grantee's facilities on the Right-of-Way, or endanger the lateral support to said facilities; and that no blasting shall be done within 15 feet of the Right-of-Way.

5. Indemnity. By accepting and recording this easement, Grantee agrees to indemnify and hold harmless Grantor from any and all claims for injuries and/or damages suffered by any person which may be caused by the Grantee's exercise of the rights herein granted; provided, that Grantee shall not be responsible to Grantor for any injuries and/or damages to any person caused by acts or omissions of Grantor.

6. Abandonment. The rights herein granted shall continue until such time as Grantee ceases to use the Right-of-Way for a period of five (5) successive years, in which event this easement shall terminate and all rights hereunder shall revert to Grantor, provided that no abandonment shall be deemed to have occurred by reason of Grantee's failure to initially install its facilities on the Right-of-Way within any period of time from the date hereof.

7. Successors and Assigns. The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

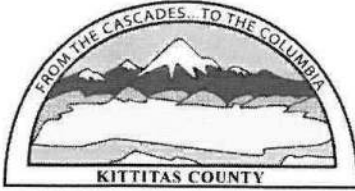
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0517441

JI-44  
2113-28

FILED FOR RECORD AT REQUEST OF:  
PUGET POWER  
REAL ESTATE DIVISION  
PUGET POWER BLDG.  
BELLEVUE, WASHINGTON 98009  
ATTENTION  
PAULA BALL

OFFICIAL RECORDS





**KITTITAS COUNTY  
PUBLIC WORKS**

**Receipt Number: PW22-00373**

411 N. Ruby Street, Suite 1  
Ellensburg, WA 98926  
509-962-7523 / [www.co.kittitas.wa.us/public-works/](http://www.co.kittitas.wa.us/public-works/)

**Payer/Payee:** DTR Design & Consulting Services LLC  
50 PIONEER TRAIL RD  
CLE ELUM WA 98922

**Cashier:** REBECCA CRUSE  
**Payment Type:** CHECK (2649)

**Date:** 04/04/2022

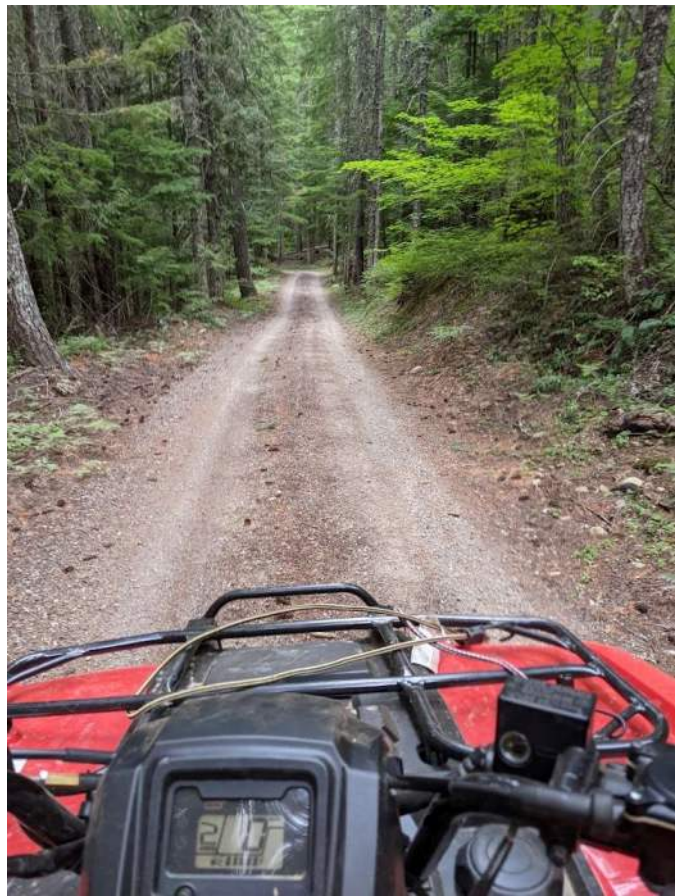
**RV-22-00002      Road Standards Variance      VIA KACHESS RD EASTON**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Road Standards Variance Application	\$1,075.00	\$1,075.00	\$0.00
<b>RV-22-00002 TOTALS:</b>	<b>\$1,075.00</b>	<b>\$1,075.00</b>	<b>\$0.00</b>
<b>TOTAL PAID:</b>		<b>\$1,075.00</b>	





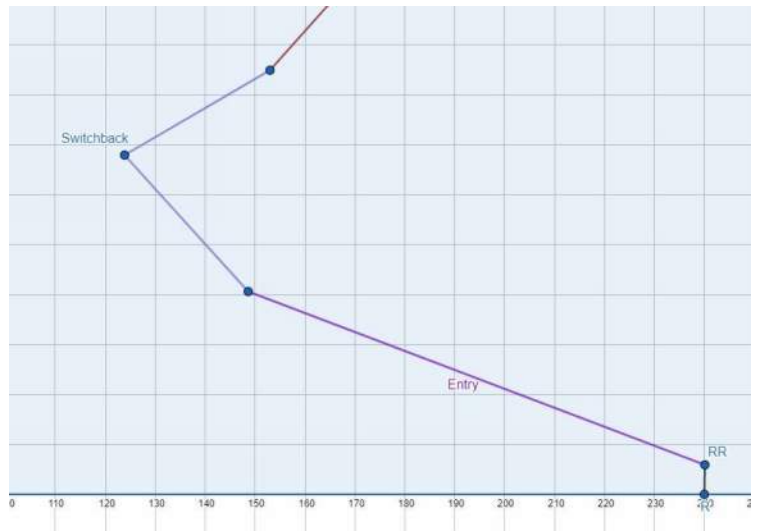
Entry



Grade View



Corner



Entry Switchback