

**COMMISSIONERS' MINUTES  
KITITAS COUNTY, WASHINGTON  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**THURSDAY**

**4:00 P.M**

**SEPTEMBER 21, 2006**

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

Others: Mandy Robinson, Deputy Clerk of the Board; Darryl Piercy, Community Development Services Director; Patrick Butler, CDS Staff Planner; Neil Caulkins, Deputy Prosecutor; Randy Carbary, DPW Staff Planner and four members of the public.

**PUBLIC HEARING**

**SUMMERSIDE PLAT ALTERATION**

**CDS**

At approximately 4:00 p.m. **CHAIRMAN BOWEN** opened a continued public hearing (from September 19, 2006) to consider the Summerside Plat Alteration Project (P-06-23), submitted by Paul Dearmin, authorized agent for the Summerside Homeowners Association. He called for declarations and noted that the record was open.

**COMMISSIONER HUSTON** made declarations regarding phone conversations with Dave Nelson. He clarified what he was looking for in order to make a decision, noting that Mr. Nelson previously indicated that the County owned the dirt that is on the road. He also had been told the homeowners association owns the road. He indicated that he didn't want a bunch of testimony that the County owns and if that's what today's hearing is driving towards, then this meeting was in the wrong forum. He stated that the underlying question is who owns the dirt and what is it you're asking the County to give up.

**COMMISSIONER BOWEN** and **CRANKOVICH** indicated that they have no declarations to be made. There being no objections **COMMISSIONER HUSTON** remained seated.

**PATRICK BUTLER, CDS STAFF PLANNER** reviewed a staff report. He indicated that Paul Dearmin, authorized agent for Summerside Home Owner's Association (HOA), had submitted an application proposing an amendment to the face of the plat in order to change the road use declaration from "dedicated to the use of the public" to "private roads". The proposed amendment was to an existing plat approved and created in 1962, and therefore is being processed pursuant to RCW 58.17.215. He explained that on May 8, 2006 the applicant applied for a variance request with the Department of Public Works, from the current Kittitas County Road Standards, and they received

conditional approval on June 26, 2006, to amend the language of the plat dedication. He stated that on September 19, 2006 at 4:00 p.m. the applicant and the Kittitas County Public Works Department could determine a fee simple owner of the road network within the Summerside Plat.

**RANDY CARBARY, STAFF PLANNER** explained that although he was not fully up to speed on this Plat and from what he has seen, he supports Mr. Butlers statements. He checked with the Assessor's Office to confirm that no one is paying any taxes currently. **NEIL CAULKINS, DEPUTY PROSECUTOR** reviewed in simple form the fine print on what's being applied for in the Plat application. He indicated that the title to the land remains in the Gibson's possession as they were the original owner of the parcel and then they proceeded to sell off lots. He stated that if the property owners own the property out to the center line of the right of way there is concern for right of way access and what may come from those potential issues. **DARRYL PIERCY, DIRECTOR OF CDS** echoed the statements of **NEIL CAULKINS** when referencing a center-line and potential right of way concerns. He proposed some potential options for the property owners and the Board depending on what they chose to do. He stated that if it's not County right of way (and as it appears, is not), then is there a need to determine who owns the easement. He expressed that in his opinion there is a need to make that determination to protect everyone involved.

**MARK KIRKPATRICK, REPRESENTING ENCOMPAS AND THE APPLICANT** explained that it was his understanding that this is a privatization of a public easement and that by default, the owners of the plat own the land under the roadway. He indicated that it was a similar proposal to the Pine Loch Sun application that the Board previously approved. He stressed that the Board keep in mind the original documentation was done in 1962 and they have come a long ways since then. He indicated that precedence was set with Pine Loch Sun and would like to stay on that track.

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

**COMMISSIONER HUSTON** posed the question that as a steward of the public's interest, was there anything to indicate that by giving up the easement, would any harm would result from it. He reviewed additional points regarding public safety etc. that the Board may want to consider prior to a decision. He noted that there should be language included in the final document that allows for legitimate public safety and regulatory agencies access. **COMMISSIONER BOWEN** echoed **COMMISSIONER HUSTON'S** statements regarding public agencies being allowed access. He also felt that on the Plat it needed to be clear that people have access to their properties. He expressed

concerns regarding resale options for future owners. **DARRYL PIERCY, DIRECTOR OF CDS** stressed to the Board to keep in mind that with the Pine Loch Sun Application there was an active (HOA). He indicated that with the application, an easement will have to be acquired and granted prior to the County knowing who the actual owner will be. **COMMISSIONER CRANKOVICH** stated that the Summerside Plat provides access to the Yakima River, and there has been a great deal of concern expressed about denying access to public water. He questioned if the land that borders the Yakima River is a part of this Plat or not. **MARK KIRKPATRICK** said everything is owned within the Plat. He indicated that there some community areas owned by lot owners within the Plat. He explained that one thing the owners want to do is prevent access to the Public Lands, due to the liability it creates, and by privatizing the roads it will allow them to prevent the public from having access to the beach property. **COMMISSIONER HUSTON** indicated that he previously asked this question. He asked if people are using the road network and trespassing on private property to get to the river, or does the road access publicly owned property. **MARK KIRKPATRICK** clarified that the road does not directly provide access to river but it does access to the beach community area owned by the (HOA) and then from there they can access/trespass to the Yakima River. **COMMISSIONER HUSTON** questioned whether the road does or doesn't go to the river. **MARK KIRKPATRICK** indicated there was one road that looks like it connects to the Plat but is owned by the State Parks and Recreation Department and is actually just short by one foot between the Plat boundary and the right of way. He submitted into the record a copy of the Summerside Maintenance Corporation Bylaws.

**COMMISSIONER BOWEN** indicated that if he had to make a decision today, the unintended consequences outweigh the questions that have been answered to his satisfaction, so without more information he is not comfortable approving the request. **COMMISSIONER CRANKOVICH** expressed his discomfort with the request as is. He expressed additional concern over Public lands being compromised and explained that there is constant challenge when facing potential public lands being blocked from use. He agreed with **COMMISSIONER BOWEN** in that with the lack of information presented today he couldn't vote to approve the request. **COMMISSISONER HUSTON** offered to refine the discussion to potentially give the Board additional views to consider. He referred to concerns that have frequently come up throughout the past discussions as well as current discussions. He indicated that the Board is currently split on this decision as it appears, and suggested that allowing for additional time to gather facts and allow further research may be beneficial. **MARK KIRKPATRICK** indicated that there should be no problem getting Maps and Exhibits to the Board for their review whether it is prior to this process being completed or after. **COMMISSIONER HUSTON** felt that a quit claim deed would and should be fairly simple to have done, if the original

owner can be located. **MARK KIRKPATRICK** indicated that it was his understanding that the original owner is deceased. **NEIL CAULKINS** explained that a Quiet Title action can be tricky, with the process that takes place with a Quiet Title action. **COMMISSIONER HUSTON** explained that there were some legal questions he felt the Board had to get answered prior to making any final decisions.

**COMMISSIONER CRANKOVICH** moved to continue the hearing to Monday September 25, 2006 during the Public Works and CDS Study Session at 2:30 p.m. in the Commissioners Auditorium Room #109, Ellensburg WA 98926 to allow for further research. **COMMISSIONER HUSTON** seconded. Motion carried 3-0.

Meeting adjourned at 4:50 p.m.

DEPUTY CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON



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Mandy Robinson

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David B. Bowen, Chairman

COMPLETED