

Klickitat County Fire District 3 Commissioners Meeting

200 Husum Street Husum, WA.

November 07, 2019 at 18:00 (6 pm).

Minutes

Special Board meeting.

- **Open Meeting:** Call to order. 18:05
- **Approval of agenda:** Amend agenda to allow Jeff Dellis from Klien and Associates to Report on progress to the Board at the beginning of the meeting.
Motion to approve Agenda as amended made by Commissioner Virts. Seconded by Commissioner Connor (3 yay, 0 nay) motion passed
- **Attendance:** Commissioner Montag, Commissioner Connor, Commissioner Virts, (quorum present). Robert Merritt (MHC Associates), Jeff Dellis (Klien & Associates), Roberta Klaus, Robert Klaus, Jose G. Castro, Maria Castro, Justin Bousquet, Sheri Bousquet, Kristina Gonzalez. Ernesto Gonzalez. Chief Long, Rozalind Plumb.

1. Encroachment -West side of Station 31 Olsen Drive

- a. Review of issue- The need for a Conditional Use Permit has dictated the District clean up property lines. Olson Road has historical documentation of an easement but it is not clear where the easement is meant to be.
- b. Legal Counsel gave the Commissioners options to review and has indicated an easement clarifying the property and responsibilities of the adjacent property owners will be the best option.
- c. Comments from Olsen Drive neighbors. All interested parties had time to review the easement document before the meeting.
- d. Board action on Road Access Easement documents.
Move to approve the Reciprocal Road Access Easement Agreement as presented and authorize Chief Long to sign on behalf of the District. Motion made by Commissioner Virts, Seconded by Commissioner Connor. (3 yay, 0 nay) motion passed.
- e. Olsen Drive neighbors signing. Notarized by Robert Merritt. An original version was given to each party and one for the County.

Most of the Olson Road neighbors left the meeting.

2. Encroachment – East side of Station 31 Bousquet encroachment.

- a. Review of encroachment issue / potential impact. Commissioner Montag reiterated the need for property line clarification for the Conditional Use Permit. There is a driveway along the east line of the District property to access the residence. A section of driveway past the residence leads to the shop. This section currently encroaches on District property There are no records indicating an easement on the East boundary.

- b. Review of Legal Counsel- With review of the District policy and legal counsel, the Commissioners are faced with deciding how to proceed in the best interest of the District. Three options were presented:

Option 1. *The District could grant an ingress and egress easement to the property owner allowing continued use of that portion of the District's property. That would be a relatively simple process that would remove the uncertainty and encroachment by granting the property owner a limited interest in that portion of the District's property. The only negative to an easement is that the District would be precluded from using the easement area for any purpose that would conflict with the ingress and egress. Similar to the Olson Dr. situation, the maintenance responsibility would be placed on the neighboring property owner.*

Option 2. *The District could enter into a formal agreement under which the property owner agrees to waive any claims of adverse possession and to sign a quit claim deed for the 45 square foot encroachment area (that we could record to make a record of the release and waiver of any claim). In exchange for this the District could then assist with the cost of relocating the driveway off of the Districts property. The benefit of this approach is that it would give the District 100% ownership of the 45 square foot area. The disadvantage of this approach is that it would be a more cumbersome and expensive approach than the easement option.*

Option 3. *Although we did not discuss, you could go through a formal boundary line adjustment to transfer all ownership in the 48-foot area to the neighboring property owners. This would require processing the BLA through the County unless there would be a possibility of amending the BLA you are in the process of completing. The only advantage to this process is it is cleaner from a title perspective than an easement. The disadvantage would be the potential cost and complexity and you would no longer have any ownership interest over the 470 square foot area."*

(quotation marks and italics added)

Option 1 has negative impacts for the district as it cannot use the land for any possible future district needs, e.g. no septic, or fence.

Option 2 was a preferred solution for the commissioners. While it disallows use by the neighbors of district property, it offers assistance to redirect the affected portion of the drive. Although it involves a cost to the District it was thought to be a cleaner solution. The District may have to fence the property and the existing encroachment, if made an easement would affect the fencing line.

Concern for the Oak tree could be mitigated by moving the driveway around the other side of the tree. The District could assist financially to redirect the driveway.

- c. Bousquet comments - Justin Bousquet indicated the driveway is currently straight to the shop. There are other trees on the property and to redirect the driveway to zigzag through the trees would not be feasible for an RV.
- The Bouquets also indicated the property use had been allowed to occur during the previous ownership (a former Fire Commissioner, and then a former Fire Chief). Other concerns for redirecting the drive way involve the location of their Septic System. Comments also included the small piece of dirt in question is likely not going to affect the district but means everything to them.

Option 3 would entail the district giving away public property. Option 1 is effectively the same thing. Robert Merritt noted that the Conditional Use Permit is required as a Fire Station/commercial use is generally not seen as compatible close to residential areas due to potential noise and lighting. As such the Conditional Use Permits usually require mitigation and screening. This often includes landscaping, adding trees to buffer the residential neighbors on both sides of the property.

The Busquets stated they will research the exact location of their septic system and talk to the county about tree removal (being close to the river there may be restrictions on tree removal). Commissioner Virts indicated the District has no interest in forcing the tree to be cut down. The aim is to accommodate the access to the shop by redirecting around the tree.

The Commissioners expressed the desire to be neighborly and offer the best option possible. Mr. Bousquet suggested the easier and cheaper option would be to give an easement.

Mr. and Mrs. Bousquet left the meeting.

d. Board discussion and decision.

Move to go with option 2 to reclaim the property line and assist with realigning the driveway. Made by Commissioner Virts seconded by Commissioner Connor. (3 yay, 0 nay) motion passed.

e. Board authorization to execute mitigation.

Move to authorize project staff to move forward with execution of option 2. Made by Commissioner Virts, seconded by Commissioner Connor, (3 yay, 0 nay) motion passed.

3. BOND

CAPITAL PROJECTS - update from Engineers - Klien & Associates.

- a. Klein Station #31 Survey overview and report – Jeff Dellis reported that several Engineers have been inspecting the building to assess the current status. By having a complete picture of what currently exists it will reduce unexpected costs during construction. While the building can serve us well into the future the electrical and plumbing will likely need replacement so they can serve the district into the future. Building codes will dictate the need to seismic retrofit if the structure is altered over a certain percentage.

Robert Merritt followed up with commending Jeff Dellis for the thorough job Kline has done. At the end of the day the project needs an Engineer's stamp and Jeff is ensuring the completed project including all the existing systems will out live the life of the bond. If that means replacing the septic and electrical systems, we need to know that now, not when we are in construction or 5 years from now. This will also help priorities the projects.

Michelle Renault came in to the meeting and is interested in the building process.

- b. Facility roof evaluations- The station rooves are in good shape but will need attention to last the 20-year Bond.
- c. Septic survey- needed to assess the system.
- d. Baseline projects - Next week Chief and Robert Merritt will sit down with Klien and discuss the required needs for the stations (operational spaces, decontamination areas, office space etc.)

Merritt indicated the process has appeared slow. Other jurisdictions often get approval for a bond and start work straight away as they have been able to front load the projects. This has not been the case as the district did not have the funds to spend on the feasibility study, until they had Bond.

The Commissioners understand the need for planning and are happy to see movement starting on some of the projects. Chief noted that the SCBA s will be coming in soon, and noted that that also creates extra work for staff.

○ **Next meeting:**

2020 Budget hearing November 14th 1:00 pm

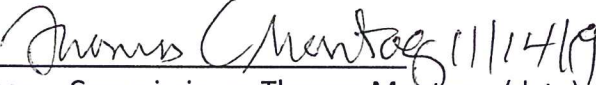
Regular meeting November 14th 3:00 pm

○ **Motion to adjourn:**

Motion to adjourn made by Commissioner Virts seconded by Commissioner Connor (3 yay, 0 nay Motion assed).

Meeting adjourned: 16:35

APPROVED BY:


Chairman – Commissioner Thomas Montag. (date)


Commissioner Robert Connor (date)


Commissioner Charles Virts (date)

Attest:


District Secretary Rozalind Plumb

Klickitat County Fire District 3 Commissioners Meeting

200 Husum Street Husum, WA.

November 07, 2019 at 18:00 (6 pm).

AGENDA

Special Board meeting.

(A) = Action (I) = Information

- **Open Meeting:** Call to order. Time _____
- **Approval of agenda (A)**
- **Attendance:**
 1. **Encroachment -West side of Station 31** Olsen Drive
 - a. Review of issue
 - b. Review of Legal Counsel
 - c. Comments from Olsen Drive neighbors
 - d. Board action on Road Access Easement documents -authorize signature
 - e. Olsen Drive neighbors document signing/notary
 2. **Encroachment – East side of Station 32** Bosquet encroachment
 - a. Staff overview of encroachment issue / potential impact
 - b. Review of Legal Counsel- Board discussion of options
 - c. Bosquet comments
 - d. Board discussion and decision of options
 - e. Board authorization to execute mitigation
 3. **BOND**

CAPITAL PROJECTS - update from Engineers - Klien & Associates.

 - a. Klein Station #31 Survey overview and report
 - b. Facility roof evaluations
 - c. Septic survey
 - d. Baseline projects
- **Next meeting: 2020 Budget hearing November 14th 1:00 pm**
- **Regular meeting November 14th 3:00 pm**
- **Motion to adjourn: (A) Time _____**

Minimum 24 hour notice – posted on door of 200 Husum Street.

Version 11.06.19 14:25.

DISCUSSION ITEM SUBJECT	BOSQUET ENCROACHMENT
PRESENTER	mHc
<p>PREVIOUS BOARD DISCUSSION</p>	<p><input checked="" type="checkbox"/> The Board has had a number of occasions to hear testimony regarding “findings” concerning property line issues at several locations on fire district property. All of these were discovered through the preliminary steps of obtaining a Klickitat County Conditional Use Permit.</p> <p><input checked="" type="checkbox"/> Staff has reviewed the material forwarded by Mr. Snure and collectively agreed that the first step in addressing ANY property line issues on ANY fire district property would be to establish and adopt a general policy in regards to mitigation. Development and adoption of the policy would allow the Board to have necessary tools and instruments at their fingertips to mitigate any property line issues and to avoid the potential of subjective Board decisions.</p> <p><input checked="" type="checkbox"/> At the October Regular Board meeting, the Commissioners unanimously adopted the K-3 Encroachment Policy and stated that they would mitigate each encroachment individually on a case-by-case basis.</p> <p><input checked="" type="checkbox"/> Additionally, K-3 Staff has pursued all pertinent documents and title information in regards to the fire station and neighboring plats.</p> <p>⇔ The District Secretary and mHc met with the Olsen Road neighbors Wednesday night, October 23rd and carefully went over the “Olsen Drive” packet with the neighbors.</p>

	<p>☒ K-3 Staff has had a number of conversations with the Bosquet family regarding the portion of their driveway that crosses over onto platted Fire District property.</p>
<p>FOLLOW-UP STAFF INFORMATION</p>	<p>⇔ The Bosquet encroachment is quite different that that of the Olsen Drive encroachment. There are no existing “deeds” or road access agreement recorded or present on either Statutory Warranty deed for all three involved property plots sharing the East K-3 property line. It appears that the previous owners of the Bosquet property ‘perhaps’ estimated where the SE property corner when they constructed the large shop building. Subsequently there is a visible driving surface that crosses onto surveyed K-3 property approximately 48 feet before the SE K-3 survey monument.</p> <p>⇔ As a reminder, the Board has expressed their desire to be ‘good neighbors’ and so the issue at hand does not reflect on a negative attitude by the Board towards their neighbors, but rather the following factors:</p> <p>A) The Fire District is a governmental entity (special purpose district) established by statute and subject to all applicable Washington State laws as a ‘public entity’. Thus, all portions of the fire district property(s) fall under the provisions of law for public land.</p> <p>B) As a part of the ‘pre-application’ portion of the Klickitat County Conditional Use permitting process for K-3 Station #31 capital improvements, it was cited that there were unresolved encroachments on both East and West property lines that must be resolved</p>

C) One of the provisions of the 2018 Capital Projects bond was provisions for SECURITY at the K-3 fire station sites. This involves lighting, fencing and potentially video surveillance.

D) As a part of the Conditional Use and SEPA process, the potential for fencing/screening and other site separation improvements is imminent and accurate property lines must be identified and maintained to comply with those conditions.

E) The Fire District must also identify and secure a 'reserve' septic area for future expansion or replacement of the existing drainfield.

⇔ Quite different from the Olsen Drive effort, there are no deeded easements and the encroachment is **not** the entire length of the K-3 east property line but actually only the last 48' of the Bosquet private drive.

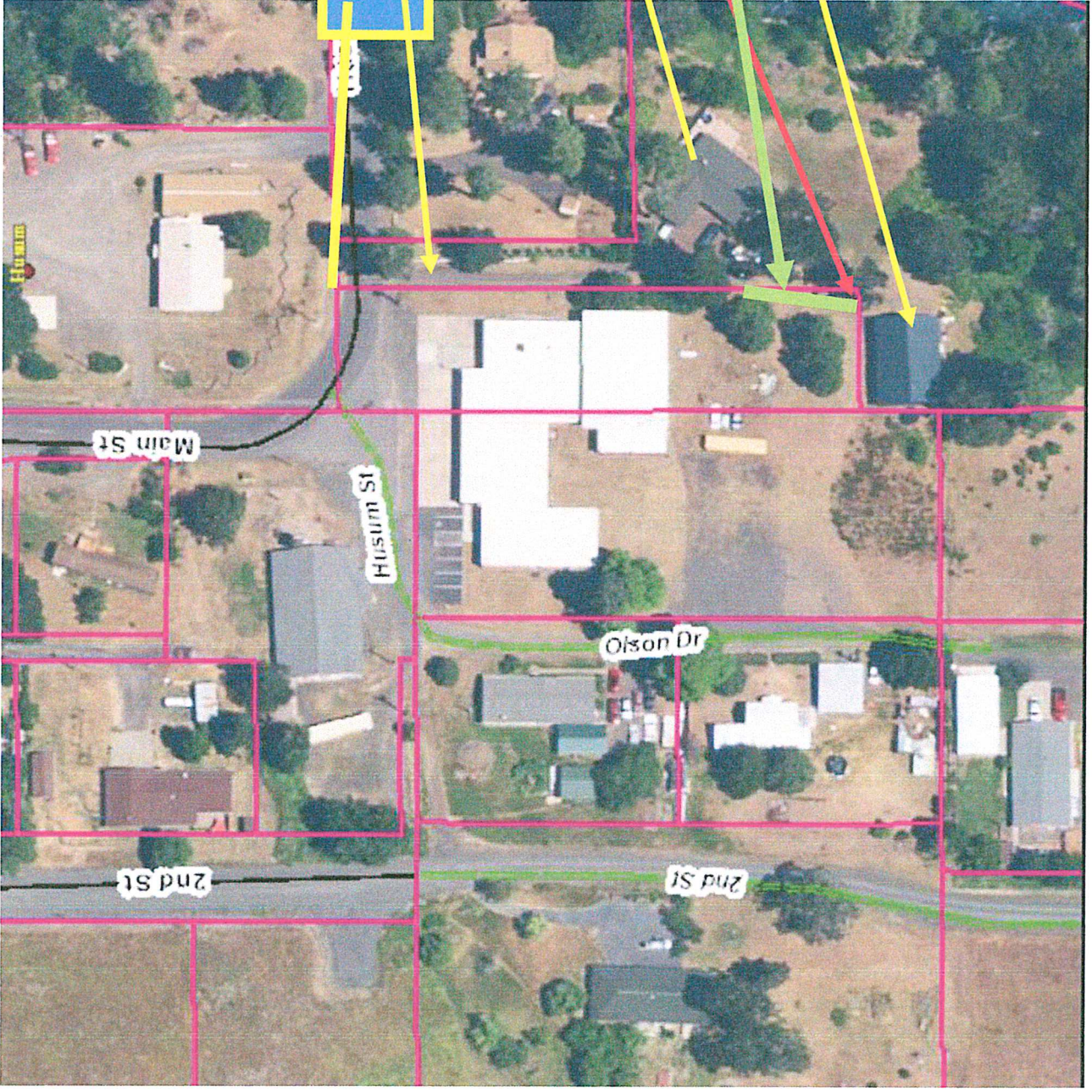
⇔ Snure Law, the Fire Districts legal counsel has provided the following options for the Board to consider in mitigating the encroachment of approximately 470 square feet of driveway:

"It is my understanding that the property to east of the District's property has an existing driveway accessing a shop on their property that crosses approximately 470 square feet of the District's property. The question then is what are the Districts options for minimizing any future disputes over the encroachment.

Option 1. *The District could grant an ingress and egress easement to the property owner allowing continued use of that portion of the District's property. That would be a relatively simple process that would remove the uncertainty and encroachment by granting the property owner a limited interest in that portion of the District's property. The only negative to an easement is that the District would be precluded from using the easement area for any purpose that would conflict with the ingress and egress. Similar to the Olson Dr. situation, the maintenance responsibility would be placed on the neighboring property owner.*

Option 2 . *The District could enter into a formal agreement under which the property owner agrees to waive any claims of adverse possession and to sign a quit claim deed for the 45 square foot encroachment area (that we could record to make a record of the release and waiver of any claim). In exchange for this the District could then assist with the cost of relocating the driveway off of the Districts property. The benefit of this approach is that it would give the District 100% ownership of the 45 square foot area. The disadvantage of this approach is that it would be a more cumbersome and expensive approach than the easement option.*

	<p>Option 3. <i>Although we did not discuss, you could go through a formal boundary line adjustment to transfer all ownership in the 48-foot area to the neighboring property owners. This would require processing the BLA through the County unless there would be a possibility of amending the BLA you are in the process of completing. The only advantage to this process is it is cleaner from a title perspective than an easement. The disadvantage would be the potential cost and complexity and you would no longer have any ownership interest over the 470 square foot area.</i>" (quotation marks and italics added)</p>
<p><i>Additional Documents – Attachments</i></p> <p>STAFF RECOMMENDATION</p>	<p>ATTACHMENT A: Property pictures (<i>estimated property line representations</i>)</p> <ol style="list-style-type: none"> 1. REVIEW Bosquet document sent previously 2. Forward any questions to mHc or Chief Long 3. Be prepared to discuss Options with Board and Bosquets 4. Potentially come to successful mitigation agreement and authorize K-3 Staff to move forward.



EAST K-3 property line corner stake
Bosquet Driveway

Bosquet Home
SE K-3 property corner
Bosquet Encroachment
Bosquet Shop



CORNER

4x4







