



Doc # 2008169188
Page 1 of 11
Date: 3/6/2008 02:33P
Filed by: STEVEN & MARGIE POLITO
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$8.00

SKAMANIA COUNTY CLAIM FOR DAMAGE FORM

CLAIMANT: THIS CLAIM MUST BE FILED WITH THE

SKAMANIA COUNTY AUDITOR'S OFFICE
Skamania County Courthouse
P.O. Box 790
240 NW Vancouver Avenue, Room 27
Stevenson, WA 98648

FOR OFFICE USE ONLY:

CLAIM NO. _____

DATE FILED: _____

COPIES TO: _____

NO DAMAGES CAN BE PAID BY SKAMANIA COUNTY UNLESS THIS
FORM IS COMPLETE. THIS PROVISION CANNOT BE WAIVED.

ATTACHMENTS: YES(☐) NO

1. Name (including spouse if married): (Please Print)
Steven K. and Margie D. Polito
2. 31 Dharma Way Washougal WA 98671
Address City State Zip
3. HM Phone: ³⁶⁰835-0733 WK Phone: ³⁶⁰624-2679 MSSG Phone: ³⁶⁰835-0733
4. Date and time of incident: 2004, 2005, 2006, 2007
5. Location of incident:
at the time 131 Agate Lane, currently 31 Dharma Way
(number and street change, but same location)
6. Describe in narrative form and in detail exactly how the incident occurred:
See Attached
7. What is the amount of damages claimed arising out of the following circumstances
(Include estimates and bills, if available): \$1,488,865.25
One million, ~~thirteen thousand~~ Dollars ⁵¹⁰
four hundred eighty eight thousand, eight
hundred, fifteen dollars $\frac{1}{3}$, 25 cents

8. Please list name and address of any and all witnesses or persons involved:
(Please Print)

See attached
for additional
witnesses

Justin Lawrence 400 E. 13th, Vancouver, WA
Albert Schlottfeldt PLLC 900 Washington St. Suite 1020 Vancouver WA 98660
Sandy Sandborn CLAS
Andy Beceda, Hagerborn Surveying & Engineering 1924 Broadway St. Vancouver WA

9. Describe the damages or injuries you sustained as a result of the incident:

Because of the county's actions we are unable to complete our approved project resulting in the loss of our livelihood and soon our home.

10. Was incident investigated by a police officer? No Sheriff _____ State Patrol _____
City _____

N/A

11. If a vehicle was involved in the incident, describe: Make _____
Model _____ Year _____ State _____ License No. _____
Insurance Company _____ Policy Number _____


12. Describe what you did after the incident occurred: We pleaded and tried to negotiate. (See attached)

13. Describe the conversations you had, if any, with County personnel during or after the incident occurred. We've spoken with many County officials over the past 4 years. (See attached)

14. How did you identify the County as the party responsible for your damage?
We've worked with the county on this project as stated above for 4 years.

I certify under penalty of perjury under the laws of the State of Washington that the information contained in this claim is true and correct.

DATED THIS 6th DAY OF March, 2008


Claimant's Signature

File Name: Commiss/Risk Mang/Claims/Claim For Damages

NOTE: Personal property (car, etc.) damages are to be accompanied by 2 estimates for repair costs. The Skamania County Risk Manager will investigate this claim. The decision to honor this claim will be based upon that investigation. Making a false report or providing false evidence is a crime and punishable by fine and/or imprisonment. Additional pages may be attached if needed to answer the questions.

February 20, 08

The following is an attachment to the claim form titled Skamania County Claim for Damages

Question #'s 6, 9, 12, 13, 14

First it's important to note that we regret having to file this claim, however, due to the County's actions or lack thereof, it is vitally necessary. Three family's are on the verge of losing their homes, livelihoods and considerable investment, not to mention their good credit, and emotional well being. We have been done great harm by County Officials who have been negligent in their responsibility to the public. As a courtesy to our fellow citizens who are employed by the County we submit this claim in the hope of thwarting a lawsuit. The Commissioner is aware of our situation and seems sympathetic to our cause suggesting that he couldn't blame us if we brought litigation. It is therefore with great hope that we attempt to come to a prompt, satisfactory solution with Skamania County. We have lost thousands of dollars due to countless delays and the holding costs that have resulted. Our claim is as follows:

In early 2004 we began a feasibility study on a home with an attached 48 acres in Skamania County. We fell in love with the unique house and the beautiful surroundings. We wanted to carve out some beautiful home sites leaving as many trees and natural environment as possible. We realized there was no place on earth we'd rather be. This has truly been a labor of love with the exception of the reason for this claim. We had a vision for this little community, something we could be proud of, and that everyone would admire, a family friendly, nature friendly, gated community where we would one day retire.

Our first and most important task was to conduct a feasibility study and determine if such a concept was possible. Having 20 years experience in similar projects we knew what was entailed. We diligently researched every aspect related to such an undertaking in Skamania County. We requested a meeting with all County Officials that would be involved in such a project. We wanted to cover any and all requirements, expectations, problems or suggestions the county may have. Bruce Scherling, Karon Witherspoon, Mark Mazeski, Kathy Huckby, Rich Lang from Public Works, and many others as well as myself, Justin Lawrence my partner, and Andy Beseda from Hagedorn Surveyors and Engineers were present. Having dealt with storm water issues on other projects this was a central question as well as perk tests, water, wells, septic, roads, underground utilities, forestry requirements, etc. The 48 acres was made up of 3 parcels and we were told it would be easier to submit each parcel as a separate short plat. Karen Witherspoon and Rich Lang said there was no storm water drainage ordinance in Skamania County and there was also no ordinance for asphaltting of roads. Asphaltting the roads was always in our plan and we remarked on this at the meeting, nevertheless. Based on this meeting and the enthusiasm of these county officials we proceeded with our project. We hired Hagedorn to do the feasibility studies and surveying during the winter of 2004 and spring of 2005. In the summer and fall of 2005 we did the clearing for roads and had the contractors putting in rock for the roads, digging

trenches for the underground utilities etc. We had three wells dug and approved in Dec of 2005, and three well houses built and approved in 2006. At this point our roads were approved and we were on the verge of asphaltting. However, all of a sudden the county decided that a storm water drainage system was needed even though they said the opposite previously, and even though there was no ordinance for this. Since Justin Lawrence is an engineer the county approved him to design the system. Justin Lawrence and our road foreman watched water flow after rains for hours throughout the building of the roads and designed a system that worked precisely as needed. Basically there were three different capture pools on the south side of Agate Lane. We observed them catch the water and drain of slowly. We had already ordered fences, as requested by Scott Bryan, to enclose them. The road contractors and Justin Lawrence were extremely familiar with this property and were the best suited to design the system. We went to great expense and again more delay to design and build the system you approved. We had to tear out major parts of the road to put in the storm water drainage.

When complete, Scott Bryan came out to inspect the system on a Friday; he told us to install the fences, take photos, e-mail the photos to him and the storm water drainage system would be approved at that point. The following Monday he said he never said that and informed us that they wanted us to hire a different civil engineer, totally re-design the system, have more contractors to install it again, and tear out parts of the road again. We were devastated, foreseeing more costs and delays. Justin Lawrence sent the Planning Department a scathing letter. At the beginning of this project, based on meetings with the county, no one could have reasonably predicted the delays, stalls, confusion, mistakes, added construction cost, professional fees, i.e. land use attorneys etc, the forcing of requirements that are un-lawful, the pure negligence of County Officials, and the resulting monthly carrying costs that all this has caused. Marty Martin, one of the contractors, told us that one of the county commissioners told him, 'go ahead and sue and by the time you get us to court we will have changed the law and have it on the books.' This sounds like it was the County's plan all along. Why?

At the time there was so much building going on in Portland and Clark/Skamania Counties that there was a long wait for engineers, and contractors. It was a building boom. It took months to finally complete the second storm water system. This project had already been delayed for months due to a mistake made at the county. At some point during recording, the deeds were flipped and it took the land use attorneys, we were forced to hire, months to straighten it all out. One day when I was at the county Kathy Huckby threw the Deeds at me saying, 'you'll never get this project approved.' in a quiet muddled voice. I found out later the reason for her anger. She had been reprimanded by the Prosecuting Attorney for recording the Deeds improperly, leaving Lenders vulnerable. Andy Beseda made a call to us to warn us that he had been at the County and Kathy Huckby had retired or been forced to retire because of the mess with the Deeds and that people at the county were "very pissed off" blaming us personally. Why was this our fault? Since this occurrence the attitude and good will of county employees changed 180 degrees. We hate to think that some or all of the delays, requirements, and re-dos have been in retaliation regarding Kathy Huckby's retirement. The truth has a tendency to come out in the end.

When the Lots were finally approved we listed them and some were sold. But not enough to see any profit, on the contrary, we are all near financial ruin. John and Cortni Morris, a wonderful family who shared our vision for this project co-ventured some Lots with us and began building their dream home and encountered the same negligence with County employees. Every step of the way was made extremely difficult for them as well. Cortni's mother, Brenda Lex, had bought one of the lots to be near her daughter and grandchildren and also experienced the same County negligence. Another buyer, Mr. Stoddard was forced to walk away and let the bank take the property due to the excessive requirements and delays of the county. The McClouskis couldn't afford to live in their dream home when the county was done. It is un-clear what they will have to do. Paul Weiderhold who had purchased one of the approved Lots, Crest View Lot 3, the Lot where the catch pond now exists because of the county forcing the storm water ponds be re-engineered and moved illegally, is now stuck with \$1,800 a month payments on a lot he cannot use. The irony of this situation is that the new storm water drainage system that the county required and approved is failing and causing water to infiltrate the foundation of the Lex home. The engineers say the catch pond can be abandoned because it doesn't catch water and the county has conceded that the pond can likely be abandoned.

What does the County presume to do now? We have all suffered because of their incompetence. **We cannot in good conscience continue to try and sell the lots for fear the county will make it impossible for new owners as well.** The vision we all had has been crushed and our financial situations destroyed.

Every time we got a go ahead on solving an issue, you changed the rules and made it something out of reach again. It has been like a sick game. And we don't have any more tens of thousands of dollars to throw at what seems to be your whims and guesses. If you had told us in the beginning that storm water drainage, etc was advised, or even that you were concerned about it, we would have addressed the issue and included it in our plan then, saving us and the other home owners untold thousands in the end. The issue that has cost us the most is time. The mix-up with deeds cost us precious time, re-engineering a SWDS that functioned perfectly before cost us precious time, the general confusion and negligence of County employees has cost us precious time, thus, we have been drug into this devastating real estate market.

Consequently, our proposal for remedy is as follows: We propose that in consideration of the county's reimbursement of the mortgages on Lots that have been rendered useless, and reimbursing additional carrying costs, as well as covering the cost of the failed storm drainage system, we will in turn donate the remaining 5 Lots to Skamania County.

Lot 1 Eagle Peak	Payment/ \$1,183.68	Current Bal/ \$146,569.25
Polito		

Lot 3 Eagle Peak	Payment/ 996.77	Current Bal/ 284,778.58
Polito		

Lot 4 Eagle Peak Payment/ Current Bal/ 235,000.00 (interest included)
Co-venture between Polito, Morris, Salsburg, Weiderhold

Lot 3 Crest View Payment/ 1,800.00 Current Bal/ 270,000.00
Co-venture between Polito, Morris, Weiderhold

Lot 3 Mt. View Payment/ 1,513.35 Current Bal/ 199,467.42
Polito

Carrying Costs 43,000.00 approx.
Polito

Reimbursement of failed storm water system 50,000.00 (way under total
amount)
Polito

Loss of profit caused by losing Lots that would have been free and clear, (which represented our
profit) 260,000.00

Attorney's Fees/ for mix up of Deeds Waved in this claim!

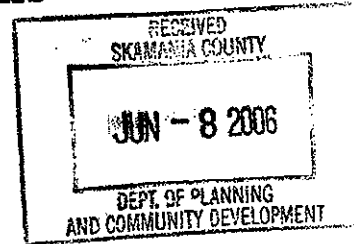
When this matter has been sufficiently and fairly dealt with by the County, we will donate Lots 1, 3, & 4 of Eagle Peak Short Plat, Lot 1 of Crest View Short Plat, and Lot 3 of Mountain View Short Plat to the good people of Skamania County.

Note: I have begun construction of a Web site, (I am a web designer) to bring awareness to the citizens of Skamania County. Many have applauded this effort having experienced similar issues. I have spoken with contractors, surveyors, engineers, land use attorneys, and other professionals who have dealt with Skamania County's incompetence and manipulation of the law. We believe it is unlawful to interpret laws according to personal ideology, proclivities or vendetta. We envision a Web site where all are welcome to share their experiences in working with Skamania County. Hopefully solutions can be found for all. What has transpired is a very serious matter, a violation in the strictest sense of our civil liberties. We cannot rest until we see justice done in these regards.



Skamania County
Department of Public Works
Engineer's Office

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
(509) 427-3910 FAX: (509) 427-3919



To: Karen Witherspoon, AICP, Director, Department of Planning and Community Development
From: G. Scott Bryan, PE, Assistant County Engineer *GSB*
Rich Land, PLS, County Surveyor
CC: Tod LeFevre, PE, County Engineer/Public Works Director
Date: 6/08/2006
Re: Mountain View, Eagle Peak, & Crest View Short Plats

Karen,

On Tuesday, May 23, 2006 a drainage report, plans, and an estimate (dated May 19, 2006) were received in our office for the above referenced Short Plats. I have reviewed the reports and have the following recommendations and comments:

1. The plans are stamped with the Engineer's Oregon License. The signature invokes RCW 18.43.130, which makes provision for the recognition of out of state licenses under certain conditions. In a phone conversation with the Engineer, it was indicated that the Engineer has been accepted for licensure in Washington, however has not yet received all pertinent paperwork. Therefore, we recommend accepting the Oregon stamp with the reference to the RCW.

In addition, it would be appropriate for the Engineer to stamp all pages of the plans, the cover sheet of the report, and the estimate. However, as we did not specifically require an Engineer's stamp on the plans, we recommend accepting the plans and report as submitted and revised.

Revised drawings were received on June 2, 2006 with the Engineer's Washington registration stamp. A revised Drainage Report was received June 7, 2006 with the Engineer's stamp on the cover.

2. Note 1 on the Typical Gravel Roadway Section (Sheet 2 of 2) indicates that the roadway width may be required to be less than the specified 20' in order to accommodate the ditch and the surrounding topography within the 30' easement. With assurances from the Engineer that this will impact only small sections of the road, we recommend accepting this condition.
3. The drainage report analyzed the post development runoff assuming a gravel road surface. The variance to the private road standards approved by the Board of Commissioners requires a paved surface twelve feet wide with 20 foot wide passing turnouts. Asphalt concrete paving has a higher runoff coefficient than gravel and will, therefore, result in a higher peak runoff intensity and volume. In a phone conversation with the Engineer, on May 25, 2006, it was agreed that the Engineer would redesign one of the ponds to accommodate the increased runoff. The other pond was oversized enough to accommodate the increased flow, however, the pond will not have the typical one foot of freeboard in the 25-year event. To increase the capacity of this pond would require a retaining wall in excess of four feet, which in turn would require a building permit and further engineering.

The revised documentation received on June 2, and June 7, 2006 reflects the changes as discussed. With these changes made, we recommend approval of the drainage report and stormwater plan.

4. It appears, from the surveyed plans submitted, that the road has not been built entirely within the proposed easement. With the additional width that will be required to the road section with the addition of the proposed ditch, we recommend that a drainage easement be added where necessary to accommodate the drainage system. The drainage easements should incorporate the proposed detention ponds, outlet structures, and all features outside of the private road easement. (ie: catch basins)
5. Maintenance of the stormwater facilities (Ditches, ponds, pipes, etc) should be incorporated with the private road maintenance agreement.

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[Printable View](#)This message is not flagged. [[Flag Message](#) - [Mark as Unread](#)]**Date:** Mon, 25 Feb 2008 16:53:13 -0800 (PST)**From:** "Steven Polito" <stevenpolito@yahoo.com> [Add Mobile Alert](#)
Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. [Learn more](#)**Subject:** Fwd: RE: 131 agate lane**To:** stevenpolito@yahoo.com**Justin Lawrence** <just4lawrence2000@yahoo.com> wrote:

Date: Thu, 22 Jun 2006 10:08:19 -0700 (PDT)
From: Justin Lawrence <just4lawrence2000@yahoo.com>
Subject: RE: 131 agate lane
To: Scott Bryan <bryan@co.skamania.wa.us>,
 karen witherspoon <witherspoon@co.skamania.wa.us>,
 steve polito <stevenpolito@yahoo.com>

I see engineering has recommended that the plan be approved. When will we hear from the planning department if they are going to approve it? If we make a few minor changes to the ponds shape to make them fit the landscape better, would they have to be re-approved by engineering, and if so, how long would that take?

Scott Bryan <bryan@co.skamania.wa.us> wrote:

Justin,

Sorry I wasn't able to get back to you yesterday. We don't need to approve your contractor. We will come out and inspect the work when it's done, but we don't need to approve the contractor ahead of time.

I received the stormwater report about 30 minutes after I sent the email below. I was able to review yesterday, and got a memo over to Karen recommending approval of the stormwater plan.

Scott

-----Original Message-----


From: Justin Lawrence [mailto:just4lawrence2000@yahoo.com]**Sent:** Thursday, June 08, 2006 10:52 AM**To:** Scott Bryan; Karen Witherspoon; steve polito**Subject:** RE: 131 agate lane

We have a bid from a licensed contractor, but Steve was concerned that they need to be approved the county. Do you need to approve the contractor for the work on the stormwater system?
 justin

Scott Bryan <bryan@co.skamania.wa.us> wrote:




Justin,

I have not yet received the revised stormwater report. I spoke with Kelli Grover today, and

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Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. [Learn more](#)**Subject:** Fwd: RE: 131 agate lane**To:** stevenpolito@yahoo.com**Scott Bryan** <bryan@co.skamania.wa.us> wrote:

Subject: RE: 131 agate lane
Date: Fri, 9 Jun 2006 07:39:56 -0700
From: "Scott Bryan" <bryan@co.skamania.wa.us>
To: "Justin Lawrence" <just4lawrence2000@yahoo.com>,
 "Karen Witherspoon" <witherspoon@co.skamania.wa.us>,
 "steve polito" <stevenpolito@yahoo.com>
CC: "Tod Lefevre" <lefevre@co.skamania.wa.us>,
 "Richard Lang" <lang@co.skamania.wa.us>

Justin,

Sorry I wasn't able to get back to you yesterday. We don't need to approve your contractor. We will come out and inspect the work when it's done, but we don't need to approve the contractor ahead of time.

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We have a bid from a licensed contractor, but Steve was concerned that they need to be approved by the county. Do you need to approve the contractor for the work on the stormwater system?
 justin

Scott Bryan <bryan@co.skamania.wa.us> wrote:

Justin,

I have not yet received the revised stormwater report. I spoke with Kelli Grover today, and I expect them soon. It is my intention to review the report as soon as I get it, as I don't anticipate seeing any major issues. I spoke with Kelli & Scott on May 25th and feel that we had a good understanding of what needed to be done, so I expect that I should be able to approve what they submit. I already have my memo to Karen mostly complete, pending the submission of I revised documents. I have several prior commitments on my calendar, however, these should

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Yahoo! DomainKeys has confirmed that this message was sent by yahoo.com. [Learn more](#)**Subject:** Fwd: Skamania Drainage**To:** stevenpolito@YAHOO.COM**Scott Sloan** <SloanS@ldcdesign.com> wrote:**Subject:** Skamania Drainage
Date: Tue, 23 May 2006 13:34:17 -0700
From: "Scott Sloan" <SloanS@ldcdesign.com>
To: <stevenpolito@yahoo.com>Steven,
The plans, stormwater report and revised cost estimate have been sent to the County for their review and approval.

I've attached .pdf's of the material sent them. I'll have to split the attachments up as they are rather large files. I also have included a list of contractors that you may find useful.

<><><>

Scott Sloan
Project Manager
Phone: 360.573.0370
Fax: 360.573.0390
sloans@ldcdesign.com

LDC Design Group
a Parati company
8513 NE Hazel Dell Ave., Ste. 202
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