

Kaycee Hathaway

From: Shane Johnson <slji@fairpoint.net>
Sent: Tuesday, May 26, 2015 9:31 AM
To: Kaycee Hathaway
Cc: Shane Johnson; Heather Johnson
Subject: Comment on CU-15-00001

May 26, 2015

Kaycee K. Hathaway
Planner I
Kittitas County Community Development Services

Dear Ms. Hathaway,

As landowners directly adjacent to the property of Marly Crowe, we would like to comment on the application for a Conditional Use Permit to mine shale on Ms. Crowe's property (CU-15-00001).

We do not oppose the mining of shale on a neighboring property in and of itself. However, given Ms. Crowe's history of ignoring the concerns of her neighbors during previous shale operations on her land, we feel the permit needs to be specific in terms of access to the existing pit.

The pit was previously operated by Ms. Crowe and her representatives, Reecer Creek Excavation for roughly ten years, ending in 2006. During that time access was provided by the John Wayne Trail under an agreement with Washington State Parks. In 2005 this access was lost when RCE, refusing to pay permit fees for a period of three months was locked out by the State. RCE and Ms. Crowe made no attempt to negotiate with the State to continue use of the trail.

At this time verbal permission was given by Ms. Crowe for RCE to use the residential driveway servicing her property as well as three others including our own. This was done without the consent of the adjacent landowners. The use of the driveway by gravel trucks and other heavy equipment created a hazardous situation for the three other properties that use the driveway. We were especially affected as the driveway provides sole access to our property covered by an access easement across Ms. Crowe's land.

Ignoring calls from ourselves and the other landowners to resume use of the Trail, Ms. Crowe and RCE continued to run gravel trucks over the driveway daily for a period of several months. The County closed the pit in March of 2006 in response to repeated complaints from the neighboring landowners and the discovery that Ms. Crowe and RCE had in fact been operating the pit illegally with no permit for ten years. The pit remained closed pending a Conditional Use Permit application (CU-06-00005) by Ms. Crowe and RCE.

The application never made it to public hearing as the County's position was that the driveway did not qualify as access to the site. Therefore, as the applicants would not pay the fees required by the State for use of the Trail, access to the pit could not be proven.

In reviewing the materials submitted by Ms. Crowe in the recent CUP application, we've found no mention of the shared driveway as access to the pit. In the SEPA checklist Ms. Crowe lists only the John Wayne Trail as access to the pit. In her letter formally withdrawing her original CUP application she again states the John Wayne Trail is and will be the only access to extract from the quarry.

Given Ms. Crowe's refusal to act in good faith in the past, we ask that should the County grant a Conditional Use Permit Ms. Crowe be held to these written statements. The permit to mine shale on her property should be conditioned upon access solely via the John Wayne Trail, commercial removal of shale from her land via our shared driveway should be found a violation of the terms of the permit.

Best Regards,

Shane and Heather Johnson

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