

From: [Jason Dougherty](#)
To: [Kelly Bacon \(CD\)](#)
Subject: Please add these to comments for CU-20-00005 (Hidden Point)
Date: Friday, January 1, 2021 9:52:52 PM
Attachments: [J Dougherty email and response with permit office November 4-5.pdf](#)
[J Dougherty Permit Complaint - 11-4-2020.pdf](#)

Kelly,

I'd like this permit violation complaint and response carried forward to show evidence of the lack of respect to the permit process this applicant has had. I know other neighbors in the area have filed complaints in the last several months as well indicating the lack of respect to the permit process and the community. I urge the permit office to carry forward these complaints as well for a complete understanding of this applicant's intent and trustworthiness.

Jason

Re: Concern about inaccurate permitting/land use (framing happening tomorrow)

Jason Dougherty <rckclimbon@hotmail.com>

Thu 11/5/2020 2:33 PM

To: toni.berkshire@co.kittitas.wa.us <toni.berkshire@co.kittitas.wa.us>

Toni,

Thank you for your prompt and detailed reply. I hope you don't take what I'm saying as panic... I apologize if it sounds that way. I know you are spread thin in our county and merely wanted to make sure you were aware of the happenings up here because Sven has been misleading and disrespectful with his construction. Thank you for giving me your assurance that you are all over the permit compliance here as well as other areas of the county!

Oh, just one other thing Sven told me on Tuesday is that he is putting 2 bathrooms and 1 Kitchen on those 2 foundations. Sounds like a primary living unit and a secondary living unit.

Thanks again and enjoy the rest of your day.

Jason

From: Toni Berkshire <toni.berkshire@co.kittitas.wa.us>

Sent: Thursday, November 5, 2020 11:57 AM

To: 'Jason Dougherty' <rckclimbon@hotmail.com>

Cc: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>

Subject: RE: Concern about inaccurate permitting/land use (framing happening tomorrow)

Hi Jason,

I received your complaint this morning in addition to your email yesterday. Thank you for reaching out with your concerns. I've actually received multiple complaints from concerned neighbors and have already toured the parcel with the parcel owners. I'm aware of, observed, and discussed the extra foundation with the parcel owners and our Building Official. For the specific complaints submitted with your complaint form:

1. KCC 17.08.022 Accessory dwelling unit means separate living quarters detached from the primary residence. There's an active permit for parcel 797634 for a new residence. If an ADU is created from the second foundation it will be permitted and allowed at the parcel if it meets the requirements of KCC Title 17. Currently, there's no residence or ADU on the property, so there's no violation to enforce.
2. At this time, we cannot make a determination on whether an extra foundation will be defined as an accessory building or accessory use per KCC 17.08.020 or as an accessory dwelling unit per KCC 17.08.022.

3. There's a new residence permit associated with the parcel and there's currently no ADU. Enforcement does not proceed based on intent or absence of intent and I cannot enforce an ADU violation unless there's one present. A foundation is not an ADU.
4. I have checked the parcel number discrepancy, verified this with our Building Official, and the error has been corrected. Thank you for bringing this to our attention.
5. The project description for BP-19-00347 is a pumphouse/storage, but the structure is listed as a garage/shop in our program. This permit has had multiple inspections, is on track, and is consistent with the plans.
6. Parcel owners may build their structures where they would like on their parcels while adhering to building setbacks, critical areas, etc. If they choose to keep 34 acres free and build on one acre, that's their prerogative. The owners have been removing burned trees under the guidance of the Department of Natural Resources and I observed first-hand the status of the parcel. I'm aware of the uses allowed in the AG20 zone as are our Plans Examiners, Permit Technicians and Planners. Any permit applications received will be reviewed appropriately, and will include the uses allowed at the parcel.

The building permit for the residence has passed inspections and the parcel owners/contractors are allowed to proceed with their construction and call for the next inspection. In regards to your statement that the parcel owners have built a gate on another parcel owner's property, this is a civil matter. Even as the County Code Enforcement Officer, I prefer to educate and assist parcel owners especially when there's an open line of communication and they've permitted me onto their property for first-hand observations. I've also discussed allowable uses and activity with the parcel owners. I know there's a panic in the neighborhood and I assure you I'm monitoring the progress and activity at this parcel. I hope this alleviates some of your concerns. Have a wonderful day!

Regards,

Toni Berkshire

Code Enforcement, CDS

(509) 962-7001

Please Note: In an effort to mitigate the spread of COVID-19 and the Governor's "Safe Start" reopening plan, Kittitas County Community Development Services is currently in Phase 3 and is open to the public in a limited capacity. At this time many of us are on a rotating schedule working from home and in the office; during this time I will do my best to respond to you as promptly as possible.

From: Jason Dougherty <rckclimbon@hotmail.com>

Sent: Wednesday, November 4, 2020 4:22 PM

To: Toni Berkshire <toni.berkshire@co.kittitas.wa.us>

Subject: Concern about inaccurate permitting/land use (framing happening tomorrow)

Toni,

I was told to send you an email about a concern I have about one of my neighbors and their property use. The address of the property is:

2090 Emerick Road, Cle Elum (Attached Parcel map of Hidden Point LLC)

I have spoken with the owner a few times and he has been very cagey about what he is doing saying (I'm building a couple cabins for my kids). Yesterday I discovered there are at least 2 concrete foundations poured complete with drainage for septic (I'm unsure whether he has installed a septic system).

I found a permit for a single residence issued for parcel 797634 in July of this year. The two foundations appear to be on parcel 877634 not 797634 as the permit indicates and there are at least 2 foundations not 1). Sven, the owner told me his crew is coming to frame tomorrow 11/5/2020. I know it's asking a lot but I am concerned he is significantly changing the character of the area, building roads, and installing gates on property that isn't his without the owner's permission and think he needs a swift kick in the butt to keep in line and a visit by you while they are framing may help with that.

I'm sorry for the short notice I'm trying to react to the information I just received from Sven, compared with information he has previously given me, and what I've seen happening... Something clearly is not adding up and he is hiding something.

I would happily talk with you if you have any questions.

Thank you in advance.
Jason Dougherty
1272 Emerick Road, Cle Elum.
206-578-2696

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KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

COMPLAINT FORM: To report a complaint about a building, land use or environmental code violation in Kittitas County. Please try to be specific in the information provided for this investigation.

Location of property in violation: 2090 Emerick Road, Cle Elum

Parcel or Map Number: 797634, 867634, 877634

Property owner's name: Hidden Point LLC

Occupant or responsible Party if not the property owner: Sven, Laura Lo, or Loren Lo

TYPE OF VIOLATION:

- Construction without a permit or the installation of any unapproved plumbing or mechanical device.
- Land use or development without a permit.
- Operation of an illegal business or other zoning violation.
- Septic installation without a permit or system failure.
- Storage of junk cars/appliances/scrap materials/solid waste.
- Substandard housing or other property maintenance issues.
- Work or development in an area of flood hazard, wet lands or other critical areas.
- Other.

Complaint Details:

See additional details attached: 1. Building 2 ADUs on a single parcel, 2. Construction of 2 new foundations with a single residence permit, 3. construction of an ADU without a residence on the parcel. 4. Building 'pump house' on parcel not consistent with permit parcel. 5. Building 'pump house' that is actually a 4 car garage. 6. Owner appears to building a Hotel/Motel in zone it is expressly forbidden

Is this an ongoing violation?(Yes)(No)When did it start? Unsure

Have any other agencies been contacted regarding this complaint? (Yes)(No)

Agency: _____

Complaints will not be accepted without your name and contact information.

Name: Jason Dougherty

Address: 1272 Emerick Road, Cle Elum, WA 98922

Phone: 206-578-2696 Email: rckclimbon@hotmail.com

*****If you would like your name to remain confidential you may initial here JD, but you must provide the information requested above.**

Received by: _____

Date: _____

SG #: _____

1. Two ADUs on one parcel: Each of the three parcels is zoned Ag20. Under KCC 17.15.060.2(27), only one ADU is allowed per lot and the owner must reside in either the primary residence or the ADU. Parcel 797634 has two identical foundations indicative of two structures that both appear to be ADUs. The owners have not indicated any intention of living in either one.
2. Construction of two foundations with only one residential permit: There is one residential building permit for parcel 797634 (BP-20-00205). There are two foundations on that parcel. The second foundation is clearly unpermitted. In addition, KCC 17.29.040(1)(b) says there can only be one residence per parcel, unless it is twice the minimum size. Parcel 797634 (with the permit) is 9.17 acres, which is not large enough to support two residences.
3. Construction of an ADU without a residence on the parcel: Related to numbers 1 and 2, the zoning code is further violated by there being no residence on the parcel. ADUs are supposed to be in conjunction with a residence. Even though there is a “residential permit,” there is no indication of any intention to reside on the property.
4. Building “pump house” on a parcel not consistent with that on the permit: A permit for an accessory building was issued for parcel 867634 (BP-19-00347). The “pump house” is actually on parcel 877634.
5. Building “pump house” that is actually a four-car garage: As mentioned above, permit BP-19-00347 was issued to parcel 867634. The project description for that permit states “pump house/storage.” In fact, what was built is a 4-car garage.
6. Owner appears to be building a hotel/motel: The owner appears to be treating all three parcels as one and seems to be developing all three collectively as a hotel/motel. The two small foundations are very close together despite there being 34+ collective acres. It looks a lot like a row of small cabins are being built. There has also been significant logging and road building, indicating a much larger use of the land than the foundations on parcel 797634 would indicate.

Under Title 17, hotels/motel are not permitted in Ag20-zoned land. Not even a conditional use permit would allow such a development. There is no zoning in Ag20 that allows a large number of cabins to be rented out to overnight guests as a hotel/motel, resort, etc. It makes no sense to allow building to continue to that end when the ultimate goal cannot be achieved.