

From: [Theresa Dougherty](#)
To: [Kelly Bacon \(CD\)](#)
Subject: Re: Prior Submissions
Date: Wednesday, December 23, 2020 12:56:39 PM

Kelly -

Thank you for your response. Please be advised that I will be filing a request to extend the comment period later today based in part on this issue. I intend to send that request to you and Dan Carlson, but please let me know if there is someone else I should send it to.

Continuing thanks for your assistance throughout this process.

Kind regards,

Theresa

Theresa Dougherty

Attorney at Law

1272 Emerick Rd.

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On Wed, Dec 23, 2020 at 11:11 AM Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us> wrote:

Good morning Theresa,

Community Development Services has no precedent of including code enforcement documents or pre application submittal comments in the record. As previously mentioned, they can always resubmit any documentation during the comment period and it will become part of the record. KCC 15A.03.060(2)(f) notes a comment period of no less than 14 days and no more than 30 days to be included in the notice of application. WAC 365-196-845(9)

does allow for the County to accept comments any time before the decision, and in this case we are choosing to do this beginning from the application submittal date, to prevent any confusion with multiple submittals of the same comments.

We will not accept public comments that were submitted prior to the application submittal, as we have no system for filing and retaining these comments without an associated application. Such a policy is necessary to ensure we do not lose track of public comments. KCC Title 15A does not include any language requiring previous code enforcement action documents to be included in the record of land use applications.

The Planning Official has submitted a request for clarification from the Prosecuting Attorney's Office. Sometimes their responses can take a couple of weeks. Once we have heard back from their office, I will let you know.

Thank you for your patients.

Kelly Bacon

Planner I

Kittitas County Community Development Services

411 N. Ruby Street, Ste 2

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Office: (509) 962-7539

Kelly.bacon.cd@co.kittitas.wa.us

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: Theresa Dougherty <theresa.k.dougherty@gmail.com>

Sent: Wednesday, December 23, 2020 10:09 AM

To: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>

Subject: Re: Prior Submissions

Hello Kelly -

I am following-up again on my inquiry regarding prior submissions.

Thank you,

Theresa

Theresa Dougherty

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On Tue, Dec 22, 2020 at 9:59 AM Theresa Dougherty <theresa.k.dougherty@gmail.com> wrote:

Morning, Kelly!

Just following-up on our discussion last week regarding submissions prior to November 20.

Thanks!

Theresa

Theresa Dougherty

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On Fri, Dec 18, 2020 at 4:26 PM Theresa Dougherty <theresa.k.dougherty@gmail.com> wrote:

Thanks, Kelly.

I look forward to hearing the results of your Monday discussion. In the event a

decision is made not to include documents prior to Nov. 20, please let me know what the basis of that decision is, including any policy, KCC, RCW, or other provision that is relied upon in making that decision.

Happy weekend to you as well!

Theresa

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On Fri, Dec 18, 2020 at 4:03 PM Kelly Bacon (CD)
<kelly.bacon.cd@co.kittitas.wa.us> wrote:

HI Theresa,

Currently that is correct. I do have a message in with the Planning Official and Director of CDS to see if in any case documents from another process would be brought forth into the new application file. We intend to discuss this Monday and I will get back to you with more details. Currently they are not part of the CUP record

of file. Any documentation submitted from the application submittal date of November 20, 2020 pertaining to the CUP is included in the file.

Hope you have a wonderful weekend.

Thank you,

Kelly Bacon

Planner I

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kelly.bacon.cd@co.kittitas.wa.us

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: Theresa Dougherty <theresa.k.dougherty@gmail.com>

Sent: Friday, December 18, 2020 12:49 PM

To: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>

Subject: Re: Prior Submissions

Thanks, Kelly. Just to clarify, anything submitted to the County before the "application submittal date" is not in the CUP file as a comment, correct? Can you please confirm what the application submittal date was?

Thanks,

Theresa

Theresa Dougherty

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On Fri, Dec 18, 2020 at 12:37 PM Kelly Bacon (CD)

<kelly.bacon.cd@co.kittitas.wa.us> wrote:

Theresa,

All comments that have been received since the application for the Hidden Point CUP was applied for are included online. If there was a complaint filed with the Code Enforcement Officer Toni, those emails or letters would be part of the "file". If you would like those to be included in the CUP application file, yes they would need to be resubmitted.

When we spoke we discussed the Notice of Application had not yet been issued (this was done yesterday). Anything I received prior to the comment period but after the application submittal date are included.

Hopefully that clarifies. If you need additional assistance, please let me know.

Thank you,

Kelly Bacon

Planner I

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From: Theresa Dougherty <theresa.k.dougherty@gmail.com>

Sent: Friday, December 18, 2020 11:54 AM

To: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>

Subject: Prior Submissions

Hi Kelly -

I reviewed the materials online and see that none of the complaints predating this week are included. I was previously told that my husband's earlier complaints (from early November) would be included in the "file." Can you please clarify? For everyone who complained before this week, do they need to resubmit their comments?

Thanks,

Theresa

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