

From: [Laura Smith](#)
To: [Rachael Stevie \(CD\)](#)
Subject: CU-22-00001
Date: Monday, June 13, 2022 7:21:00 AM

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“The mission of Kittitas County Community Development Services is to assist the citizens of Kittitas County in planning for the use and development of land and buildings while protecting public health and safety, sustaining a vibrant economy, promoting the conservation of natural resources, and protecting the environment.” <https://www.co.kittitas.wa.us/cds/default.aspx>

RE: CU Davenport

It is difficult to comment on Mr. Davenport’s Conditional Use Permit with respect to his plans to further develop the property at 141 Rein Road as the questions in the actual Conditional Use permit and SEPA that Davenport has filed with your agency have been left blank. And to further complicate the matter, when I inquire of the County, the response I receive is complicit in Mr. Davenport’s ability to overlook answering pertinent questions to the matter at hand on both the Conditional Use Permit and the SEPA application, All the while, Mr. Davenport continues to conduct all four businesses on the property regardless of zoning or permits.

We are left to ask;

What is Mr. Davenport going to do with the property? How, can we the neighborhood, respond to the application when Davenport hasn’t answered the questions on the permit? How can your agency move forward with the application when Davenport has not stated intent? What is the standard of measure for completing the many applications with various Kittitas County departments and agencies? Does each agency in Kittitas County, such as the Airport, Auditor, Assessor, Prosecutor, Human Resources and Sheriff’s Office, etc. accept and move forward with incomplete applications? Why are the questions included on the application if they are not pertinent to the protection of public health and safety or required by law? Does it state on the application that each questions needs to be answered truthfully? Can Mr. Davenport answer these questions truthfully? Is the option then available to all county residents and developers to submit incomplete applications for your agency review and move forward? Can I get a job without a complete employment application? Does the Sheriff’s office accept incomplete background check applications? Are you making my neighborhood safer? Did your agency accept payment from Davenport without a complete Conditional Use Application and SEPA? Is Kittitas County Code Enforcement and Community Development acting as part of the solution, or part of the problem?

When I inquired with Kittitas County Code Enforcement of Mr. Davenport's extraordinary use of his property, the response I received was itself an admission by the County that they have failed to act in accordance with their own mission statement and ordinances that have allowed Mr. Davenport to jeopardize the safety and property of residents and children and pets that live on Rein Road.

While I lost my initial email from early March that complains of all the issues at 141 Rein Rd., here are the emails that were issued as their response.

"On Wed, Mar 16, 2022, 4:34 PM Toni Berkshire <toni.berkshire@co.kittitas.wa.us> wrote:
Hello Mrs. Smith Unland,

Thank you for contacting us regarding the Apostolic Church parcel at 141 Rein Road. We recently contacted Mr. Davenport regarding the use of the parcel as a church without the required Conditional Use Permit. From your description, he may be using the parcel as a staging area for his construction business, which would also require a Conditional Use Permit due to the outside activity and noise. To answer your question regarding permitting, our full permitting process can be found online here:

<https://www.co.kittitas.wa.us/boc/countycode/title15a.aspx>. Short of it is that Mr. Davenport (Apostolic Church) was required to have a Pre-Application meeting prior to the activity/use at the parcel. This is an informal discussion and review of the possible application so we can assist the applicant on requirements and regulations which affect the project. A pre-application meeting did not occur and the project/use of the parcel was conducted without approval. Had Mr. Davenport followed the requirements, the pre-application meeting would have been followed with a Conditional Use application submitted to CDS. We then determine if the application is complete and once that determination has been made, a notice of application is provided within 14 days which includes posting at the parcel, notifying the news media, posting notice on the Kittitas County website, sending notice to all adjacent parcel owners (within 500 feet), etc. You would have the opportunity to make a comment on the project during the public comment period and prior to issuance of a decision. Our planners are much more knowledgeable and can provide more details on the specific process, but I hope this helps answer your question. Please call (509) 962-7506 and request to speak with a planner if you'd like a more detailed response. I appreciate your details surrounding the activity you've observed at the parcel. I've attached a complaint form for you to complete and return (email is fine). Let me know if you have any more questions."

Regards,
Toni Berkshire
Kittitas County Code Enforcement
Community Development Services
411 N Ruby Street, Suite 2
Ellensburg, WA 98926
(509) 962-7001

May 11, 2022 email ponygirl509@gmail.com Laura Smith wrote:

Good morning Toni,

I was looking through Mr. Davenport's Conditional Use application and I noticed he had not submitted a plan, much less answered the required application questions.

How can he post signs saying he has proposed a conversion when he has not submitted a plan? Is this sign compliant without listing dates or other site conversion specific information? Is Mr. Davenport's sign legally compliant without a completed application?

Did you review this application because he has not answered many of the questions within the application that are required by law?

When will Mr. Davenport submit a completed SEPA application?

When will all the questions in each application Mr. Davenport submitted be answered?

In the meantime, you are defeating the purpose and wasting the community's time to post signs when legally Mr. Davenport cannot move forward because his applications are not complete.

Thank you in advance for your prompt attention to this matter. I'm awaiting your response

Best regards,

Laura Smith

On Thu, Apr 21, 2022, 7:28 AM Laura Smith <ponygirl509@gmail.com> wrote:
Hey Toni,

It looks like Mr Davenport has been shuffling and removing things from near the church at 141 Rein Rd.

Have you addressed with Mr Davenport the issues involved with removing these unlawful shipping containers with power metering to them, full of tools?

Thank you for all you've done on behalf of our neighborhood safety.

Laura Smith
509-830-4200

Please see my answers in red below. (Italics for the sake of reproduction)

Planner I
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
509-962-7637
rachael.stevie.cd@co.kittitas.wa.us

“How can he post signs saying he has proposed a conversion when he has not submitted a plan? Is this sign compliant without listing dates or other site conversion specific information? Is Mr. Davenport's sign legally compliant without a completed application?”

“The signs were provided by Community Development Services and are compliant with KCC Section 15.A.03.110. They are meant to provide the project number and give a brief description of the project. The public can then seek additional information using the contact information provided on the sign.”

“Did you review this application because he has not answered many of the questions within the application that are required by law?”

“Yes, staff reviewed the application and determined it to be complete; containing adequate information to conduct a preliminary review.”

When will Mr. Davenport submit a completed SEPA application?

“The SEPA application was submitted on 3/23/2022. It is associated with the Conditional Use Permit Application, so the answers to questions 11 & 12 are provided within the CUP application materials and are reviewed concurrently.”

When will all the questions in each application Mr. Davenport submitted be answered?

“If further questions arise as part of staff review, or after the public comment period begins and ends, staff will reach out to the applicant for more information or clarification as needed.”

“In the meantime, you are defeating the purpose and wasting the community's time to post signs when legally Mr. Davenport cannot move forward because his applications are not complete.

“Posting the site is part of the application process as identified in KCC Title 15A.03.”

Thank you in advance for your prompt attention to this matter. I'm awaiting your response

Best regards,

Laura Smith

I would also like to state that while the CU sign appears “Compliant” by Community Developments standards, I believe that it is deceptive in that it does not accurately represent the entire parcel that is being considered under the conditional use permit. Without a map on the sign, as I have seen in other communities, I believe the parcel that is East of the irrigation lateral adjoining Mrs. Logan’s parcel, and directly across from our rental at 181 Rein Road, might not be included by those making comments. It is easy to believe that it unto itself is another parcel, yet it is where Mr. Davenport’s roofing crew assembles at 5 am every weekday morning to begin a work day of coming and going from that location dozens of times during the day.

Additionally, Mr. Davenport cleaned up the building and lot in question specifically for this hearing the same day he posted the CU information signs. I have lived across the street for four and a half years, and it has always been full of construction materials, garbage, weeds, cars, campers, metal, traffic, medical personnel, and the Davenport family and workers. Under Mr. Davenport’s direction, this lot is chaos for the neighborhood, every single day.

For safety sake, I have installed over a dozen cameras and I can attest that more than 150 cars, trucks and semi tractor trailers will move through the “church” driveway over very short periods. Not including the regular work crew that is stationed at the container that is attached to a power pole, running saws and grinders all hours, next to a downed tree, storing a disabled mini van and flat bed trucks.

In closing, I believe that the County is committing a direct dereliction of duty as evidenced above, they are not willing or capable of insisting that Mr. Davenport’s state his intent for the “conversion” and complete his CU and SEPA applications before moving forward.

Respectfully submitted,

Laura Smith Unland