

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

January 19, 2010

Quentin Batjer
Davis, Arneil Law Firm LLP
617 Washington Street
Wenatchee, WA 98801

Subject: Mountain River Lodge CUP (C-96-06)

Dear Quentin,

The purpose of this letter is to provide an administrative determination regarding the Mountain River Lodge Conditional Use Permit (C-98-06). The Conditional Use Permit was approved in September 1996 for an 11,000 square foot public accommodation lodge with 15 bedrooms, 4 bathrooms and facilities for meal preparation. The Commercial Forest zone currently does not provisions for this type of use as a Conditional Use listed in KCC 17.57.030. The only applicable conditional use allowed that would fit the current use of the property within the Commercial Forest zone is a "Group Home" (KCC 17.57.030(10)).

Community Development Services has determined that the proposed use of this property qualifies as a "Group Home" under KCC 15A.030.080(3), minor modifications to approved permits which does not involve further public review or hearings. Please be advise that a Group Home is defined a home for at least seven and not more than 15 persons, plus house parents, providing residential facilities in a homelike environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere," KCC 17.08.265. The use of this property will be limited to this definition and the three conditions imposed under the original conditional use permit (C-96-06):

1. Signage (one sign, no artificial illumination, etc);
2. Fire Safety (turn-outs on the access route); and
3. Storm water drainage (compliance with the county standards).

If you have any questions, please feel free to call me at 962-7637.

Sincerely,

Dan Valoff
Staff Planner

Dan Valoff

From: Quentin Batjer [Quentin@dadkp.com]
Sent: Friday, January 08, 2010 3:17 PM
To: Dan Valoff
Cc: bandkbish@aol.com; Allan Galbraith
Subject: Mountain River Lodge

Dan,

Thanks for returning my call. I wanted to follow up with an email. As you said on the phone the other day, the squeaky wheel gets the grease...

Our office recently received copies of several Kittitas County Planning Dept documents from a third party regarding the original issuance of the Conditional Use Permit ("CUP") for the Mountain River Lodge ("MRL") property. One of these documents is a Staff Report sent to the Boards of Adjustment and Commissioners, dated August 30, 1996. Among other issues (SEPA; Shoreline Development, etc), that Staff Report discusses the CUP and concludes that, if the Board of Adjustment was to approve the CUP, it should impose the following conditions:

1. Signage (one sign, no artificial illumination, etc);
2. Fire Safety (turn-outs on the access route); and
3. Storm water drainage (compliance with the county standards).

The Interim Planning Director, Debbie Randall, recommended no other conditions on the permit. In light of the fact that other documents discussing the contents/conditions of the CUP appear to be missing, we feel the Staff Report best reflects the contents/conditions of the CUP. As you can see, those conditions concern physical attributes of the property as opposed to permitted uses.

Another document, the Notice of Decision (dated Sept. 26, 1996), provides additional insight regarding the terms of the CUP. It indicates that on September 11 and September 24, 1996, the Boards of Adjustment and Commissioners "approved the application to construct and operate a 15 bedroom public accommodation lodge". As a component of this decision, the Zoning Conditional Use permit to site lodge within Commercial Forest zoning district was approved.

As we've discussed before, the only applicable conditional use allowed within a Forest zoning district is a "Group Home, as defined by state law". KCC 17.57.030(10). A "Group Home," defined elsewhere in the KCC, is defined as "a home for at least seven and not more than 15 persons, plus house parents, providing residential facilities in a homelike environment directed to allow a degree of community participation and human dignity not provided in an institutional atmosphere." KCC 17.08.265. It appears that, since a "group home" is the only applicable conditional use, the 1996 CUP was granted under the "group home" use and then tailored for the specific use as a "public accommodation lodge." The inclusion of "15 bedroom" in the Notice of Decision appears to reinforce this interpretation (although the fact that a 15 bedroom lodge was approved suggests that *at least* 15 people/guests were contemplated, and in fact have been used, as each of the bedrooms are for multiple people).

In short, it seems that the fact that the permit was issued, the analysis in the staff report provides the basis for the Conditional Use Permit. The proposed use, a residential center to provide prevention services licensed by the Department of Social and Health Services, is actually closer to the definition of a "Group Home" than a "public accommodation lodge". Since the CUP was originally issued as a "group home," and the proposed use is a "group home," there is no need for an additional application process. As you know, if the Bishops sell their property, the CUP would run with the land to the new owners. KCC 17.60A.080. In addition, as a "public accommodation lodge", the utilizing public would typically stay 1-2 days. The proposed use anticipates stays of several weeks. Consequently 'use' type issues in the commercial forest, such as traffic, is actually going to decrease.

Contextually, the purchase and sale has been approved by the Bankruptcy Court, and most of the contingencies have been resolved. The issue of approval of the use by Kittitas County -- a conservative request by the purchaser, by far -- is now becoming the focal point of the transaction. We are therefore requesting your help in advising on the best way to process this request, as time is now of the essence. The Kittitas County Code provides for an administrative

determination under KCC 15A.01.040(2). Under that provision, upon request or as determined necessary, the Community Development Services Director may interpret the meaning or application of the provisions of the code and issue a written administrative interpretation. Would this, in your opinion, be the optimal course?

As I mentioned on the phone, many of the neighbors have called your department voicing their support for the sale of MRL. We would like to build on this momentum to resolve this issue as expeditiously as possible.

I will follow up on this early next week given the interest in this issue by all parties. Please let me know if you have any questions.

Quentin Batjer

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Dan Valoff

From: Quentin Batjer [Quentin@dadkp.com]
Sent: Tuesday, December 22, 2009 9:46 AM
To: Dan Valoff
Subject: Mountain River Lodge CUP

Dan,

I gave you a call yesterday but figured an email may be a more effective way to communicate given our schedules and the holidays.

It is my understanding that several of the Lodge neighbors have called the county to voice their support for the proposed project. Among those who are now apparently in favor of the new use is Ron Lien, who had previously expressed his doubts about the project. I am curious if this has changed the landscape at all?

I have also heard second-hand information that when one of the neighbors, Wendy Wright, called the county, she was told that there is considerable support for the project from the state government (?) and it is likely that permission will be granted regardless of any concerns of the neighbors. Details are sketchy and I'm not sure if this is correct. Have there been any developments in this regard or is this a misunderstanding?

Please let me know if it would be advisable to start the application process for the CUP or whether we can adopt the old CUP for the proposed use. Any information would be helpful.

Thanks again for your assistance.

Quentin Batjer

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October 13, 2009



Dan Valoff
Kittitas County Planner
Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Mountain River Lodge

Dear Mr. Valoff,

The purpose of this letter is to request an administrative determination regarding whether our clients, William and Kathy Bishop, dba Mountain River Lodge, LLC, may modify the existing conditional use permit for the property at 3003 Cabin Creek Road in Easton pursuant to Kittitas County Code ("KCC") 15A.01.040(2). As you are aware, under KCC 15A.03.080(3), minor modifications to approved permits qualify for an abbreviated application format and do not involve public review and hearing. During a pre-application conference on October 8, 2009, you indicated that a minor modification in this instance would be feasible.

As you know, in 1996, a conditional use permit (C-96-06) was issued to the Bishops to authorize the establishment, operation and maintenance of a private retreat center. Consistent with the dictates of that permit, the Bishops have operated the property as a retreat center, which includes church, business and government seminars, youth camps, weddings and anniversaries. The 10,000 square foot structure was built with this purpose in mind: it has exclusive overnight accommodations for 54 adults or 70 youths, a centralized commercial kitchen and several full-time employees. The events, which are held exclusively on the 51 acre property, range from overnight to 30-day stays.

The Bishops wish to modify their conditional use permit to allow the operation of a retreat for youth with substance abuse problems. The modification will not adversely affect the established character of the surrounding vicinity. The owners intend to utilize the existing facilities

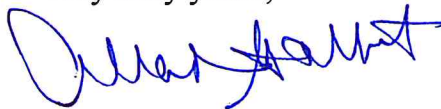
Page 2
October 13, 2009

with no need for additional structures or alterations to the existing infrastructure. It is anticipated that there may be a marginal increase in the number of employees but not so much as to be injurious to property adjacent to the retreat.

In short, the Bishops propose a minor modification to the approved conditional use permit and request an administrative review of whether their proposed modification qualifies for an abbreviated review under KCC 15A.03.080(3).

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Allan Galbraith