

wsdlsafetycommittee@gmail.com

From: sendmail@washington-ucc.org
Sent: Tuesday, October 8, 2019 4:32 PM
To: wsdlsafetycommittee@gmail.com
Subject: Complaint Form

Complaint Form Request

Requester Information

Name: Heather Forgey
Company: City of Ellensburg
Company Phone: (509)925-8603
Company Email: forgeyh@ci.ellensburg.wa.us
Company Address: 501 N Anderson St, Ellensburg, 98926
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030
Violation Section: 19.122.030 (1a) and (2), (5)
Violation Description: Excavation took place on parcels 18005 and 23166 across the street from 901 W University Way by with no locate request
Violation Address: 900 W University Way
Violation Date: 10/71/9

Alleged Violator

Violator Name: Andrew Pittman
Violator Phone Number: (509)361-9618
Violator Email: pittman1996@gmail.com
Violator Address: 1441 W University Wy, Ellensburg, 98926
Violator Employess On Site: Andrew and Howard Pittman

Changed violator from Pittman Towing to Andrew Pittman on 8/10/19 per complaints request

Other Information

Other Information:

City of Ellensburg vs. Pittman Towing Case 19-089 – Alleged violation RCW 19.122.030 1a, 2, 5

I was made aware of excavation happening on parcels 18005 and 23166 across the street from 901 W University Way by Kirsten Sackett.

I did a search on managetickets.com to verify if locates had been called in in the past 90 days in that area. No locates were found.

I attempted to contact Mr. Pittman and left him a message on October 8, 2019.

After further discussion with Kirsten, I decided to file a complaint on October 9, 2019.

Howard and Andrew Pittman were not complying with City of Ellensburg Codes by doing excavation work on the properties without Critical Area review, SEPA and proper permits.

Evidence of excavation: see photos taken October 7, 2019 on parcels 18005 and 236133

Evidence of excavation: see letter from attorney Jeff Slothower on behalf of neighboring property, attached.

Vicinity Map of parcels 18005 and 236133



Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

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May 22, 2019

VIA REGULAR FIRST CLASS U.S. MAIL
AND CERTIFIED FIRST CLASS U.S. MAIL,
RETURN RECEIPT REQUESTED

Andrew Pittman
1441 W University Way
Ellensburg, WA 98926-2334

Howard and Wilma Pittman
20547 Road 5.5 SE
Warden, WA 98857-9744

RE: Trespass on Ward Rugh, Inc. Property

Dear Mr. Pittman and Mr. and Mrs. Pittman:

Ward Rugh, Inc. ("Ward Rugh") owns property (the "Ward Rugh Property") that is adjacent to your Tax Parcel No. 18005. I understand that Andrew Pittman operates a business on Tax Parcel No. 18005 and on Tax Parcel No. 236133. As you are aware, the Ward Rugh Property line is on the westerly side of the Reed Mill Ditch.

Without consulting with Ward Rugh and without Ward Rugh's permission, you recently removed all of the vegetation on the westerly side of the Reed Mill Ditch and excavated the ditch, substantially widening the ditch in the process. You used the material you removed from the ditch and created a berm on the westerly side of the Reed Mill Ditch, partially on the Ward Rugh Property and partially on your property. Your actions on the Ward Rugh Property without Ward Rugh's permission are a trespass.

As far as we can tell, you had no permits to do this work from any regulatory agency with jurisdiction over regulated wetlands or development in the 100-year floodplain in the City of Ellensburg, Kittitas County, the State of Washington, or the Federal government. The berm that

Andrew Pittman
Howard and Wilma Pittman
5/22/19
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you created will now cause water to back up and enter onto the Ward Rugh Property. In addition, because you have removed all the vegetation along the Reed Mill Ditch, there is now a substantial amount of silt that is entering the Reed Mill Ditch, flowing down the Reed Mill Ditch and entering into the culvert system that Ward Rugh has installed over the years to enclose the Reed Mill Ditch as it flows through the Ward Rugh Property. This silt will ultimately impede the flow of water through the culvert.

Ward Rugh has spent significant time and money working to control and manage storm water on the Ward Rugh Property, all with the proper and appropriate permits. Your unpermitted activities place all of Ward Rugh's infrastructure at risk and demand is now made upon you to restore the Reed Mill Ditch and the westerly bank of the Reed Mill Ditch on the Ward Rugh Property to its historic elevation and Hydroseed and revegetate the area. Should you fail to do this, Ward Rugh will hold you responsible for any damages it incurs as a result of uncontrolled flooding and storm water runoff onto the Ward Rugh Property from your property.

Very truly yours,



Jeff Slothower

JS/hh

cc: Kristin Sackett, Director, City of Ellensburg Community Development Department (*via email: sackettk@ci.ellensburg.wa.us*)
Mark Cook, Kittitas County Floodplain Manager (*via email: mark.cook@kittitas.wa.us*)
Ray Latham, Washington State Department of Ecology (*via email: ray.latham@ecy.wa.gov*)





Excavation around the perimeter of both properties

