

**From:** BRACHVOGEL - <brachvogel1@msn.com>  
**Sent:** Friday, September 04, 2015 9:43 AM  
**To:** stephen\_liss@comcast.net  
**Subject:** RE: Kalama Sourdough Bakery; Ahrens/Carmichel

Dear Mr. Lis:

The City appreciates the opportunity to revisit the issue of whether the Ahrens are in violation of the R-1 permitted uses.

My client has reviewed your request to reconsider your client's allegation that Mr. Ahrens is operating a bakery in violation of R-1 permitted uses, but concludes the Ahrens are operating lawfully within the code. The code authorizes cottage industries, which is defined as: Under KMC 17.08.1088 "Cottage industry" means a business located on the same lot as the operator's residence which functions without altering the residential character of the neighborhood, and which does not create negative impacts on the public health, safety, and general welfare of adjacent property owners." My client does not find that the cottage industry "alters the residential character of the neighborhood" nor does it objectively create a "negative impact on the general welfare of adjacent property owners." We have been informed by the Ahrens' counsel that deliveries are made once per day, four days a week, during business hours, which can not reasonably alter the neighborhood to the extent such use violates the code. Likewise, there are no retail sales taking place at the Ahrens residence such that an unreasonable amount of traffic is created by the business location.

The WAC you cite pertains to licensure and regulation by the State Department of Health, not the City of Kalama. Assuming *arguendo*, the WAC is applicable here the City is not persuaded that the Ahrens exceed the allowable uses of R-1 zone by virtue of using eggs in the making dough for baking. To the contrary, the WAC 16-149-120 "Allowable cottage food products" specifically names baking as a cottage industry authorized under DOH regulations.

As to your request for appellate remedies, I have suggested you review the Kalama City code, a copy of which may be obtained on line through the City of Kalama website. However, I decline to advise you further given the Carmichels have an active matter before the Cowlitz County Superior Court in which they make the same allegations as made in this instance; and, they are represented by you in this cause of action.

Sincerely,

Paul Brachvogel  
Kalama City Attorney  
(360) 721-0027

---

Date: Tue, 1 Sep 2015 17:49:28 +0000

From: [stephen\\_liss@comcast.net](mailto:stephen_liss@comcast.net)

To: [brachvogel1@msn.com](mailto:brachvogel1@msn.com)

CC: [kathycarmichel@yahoo.com](mailto:kathycarmichel@yahoo.com)

Subject: Kalama Sourdough Bakery; Ahrens/Carmichel

Dear Mr. Brachvogel,

Attached please find a more thorough complaint letter on behalf of Ms. Carmichel (in Microsoft word format) along with two additional exhibits (pdf).

If you need additional information please contact me at your convenience. I look forward to hearing back from you.

Thank you,

Stephen Liss

215-407-5598

cc: Ms. Carmichel