

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	
)	File No. SE-21-00006
Nunnally Holdings, LLC –)	
Appeal of Administrative Interpretation)	
Requiring Plat Alteration Application)	SECOND DECLARATION OF
_____)	CHRIS CRUSE
)	

I, Chris Cruse, hereby declare as follows:

1. My name is Chris Cruse. I am over the age of 18, competent to testify herein and make this declaration upon facts of which I have personal knowledge.

2. I have previously filed my declaration – Declaration of Chris Cruse dated July 21, 2021. I provide this declaration as a supplement to my prior declaration and for the specific purpose of addressing testimony provided through *Statement of Dan Carlson*. I have attached a copy of the statement but have not included attachments.

3. Mr. Carlson provided comments with respect to two administrative segregation and boundary adjustment applications that were filed with my earlier declaration. I strongly disagree with his characterizations and statements regarding those applications. I will address each of them as statements.

(a) Mr. Carlson states as follows:

The administrative segregation applications attached to the declaration of Mr. Cruse of “shuffles” *which evaded state and local laws related to lot size, zoning requirements, and frequency of lot division.*

The administrative segregations and boundary line adjustments were in full compliance with applicable laws including both state and local subdivision laws. They were also consistent with zoning requirements as well as minimum lot size under the then applicable zoning ordinance. The suggestion that we “...evaded state and local laws” is disparaging, inappropriate and not supported by either fact or law. Our applications were fully compliant with applicable law and policies. Kittitas County reviewed the applications and found that each proposal met all applicable laws.

(b) Mr. Carlson then makes the following statement:

These were layered applications that segregated parcels, used a BLA to reduce the parcel sizes below zoning allowances leaving a larger residual parcel, re-segregated the residual parcel, *used a BLA to reduce the parcel sizes below zoning allowances* except for the residual parcel etc. etc. *These were done without regard to minimum lot sizes allowable by the then current zoning*, and by being technically one application, avoided the prohibition of re-segregating previously segregated land on the theory that it had not been previously segregated because this was the first application seeking to do so regardless of the fact that this application in [sic] multiple times.

The errors and inaccuracies in this statement are extraordinary. To begin, the permissible parcel size was established by the then existing zoning ordinance. The typical minimum lot size in Kittitas County at that time was three (3) acres. There were no segregations “below zoning allowances”. Second, Kittitas County established the procedure for review and of administrative segregations and boundary line adjustments. Finally, Kittitas County reviewed and approved each of the referenced applications and determined them to be compliant with applicable law.


4. I also want to comment on Paragraph 5 of the *Statement of Dan Carlson*. That statement is as follows:

The 12 parcels depicted on the original record of survey were created from a single parcel (parcel #1718-04040-0001). The 12 parcels shown in the record of survey were created via a “shuffle”, a true and correct copy of the application materials are attached hereto as Exhibit “A”.

Carlson Decl. Paragraph 5. I have reviewed the application materials included in Exhibit “A” to the Carlson statement. The application materials do not include the parcels currently owned by Nunnally Holdings. Mr. Carlson attached application materials from an unrelated submission located in a different section of the County (i.e. section 4 rather than section 8) and submitted after the recording of the survey and final county approval for the Nunnally Holdings parcels. I am unclear as to how Mr. Carlson could make this mistake.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Ellensburg, WA this 30th day of September, 2021.

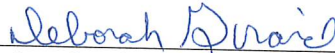

Chris Cruse

CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that on the date stated below I served a copy of this document in the manner indicated:

Andrew Kottkamp Kittitas County Hearing Examiner	<input checked="" type="checkbox"/> E-Mail andy@wenatcheelaw.com Tracy@wenatcheelaw.com
Jeremy Johnston Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	<input type="checkbox"/> First Class U.S. Mail <input checked="" type="checkbox"/> E-Mail jeremy.johnston@co.kittitas.wa.us
Dan Carlson Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	<input checked="" type="checkbox"/> E-Mail dan.carlson@co.kittitas.wa.us
Neil A. Caulkins Deputy Prosecuting Attorney Kittitas County Prosecutor Kittitas County Courthouse Ellensburg, WA 98926	<input checked="" type="checkbox"/> E-Mail neil.caulkins@co.kittitas.wa.us

DATED at Yakima, Washington, this 30 day of September, 2021



Deborah Girard, Legal Assistant

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BEFORE THE KITTITAS COUNTY HEARING EXAMINER

Nunnally Holdings, LLC
Administrative Interpretation Appeal

No. SE-21-00006

STATEMENT OF DAN CARLSON

1. My name is Dan Carlson. I am a U.S. citizen. I am over the age of 18, competent to make this statement, and base this statement on my personal knowledge under penalty of perjury.
2. I am the Director of Community Development Services for Kittitas County in Ellensburg, Washington. I make this statement in that capacity.
3. The county had been in correspondence with the property owner/appellant regarding what was needed to develop the subject property as the owner/appellant desired. Those conversations had come to an impasse. In an effort to breach the impasse, provide clarity, and provide a means for the project to move forward, I submitted an administrative code interpretation that the owner could appeal and receive clarity and a direction forward.
4. I have reviewed the declaration of Mr. Cruse. The two administrative segregation applications attached to the declaration of Mr. Cruse are examples of "shuffles" which evaded state and local laws related to lot size, zoning requirements, and frequency of lot division. These were layered applications that segregated parcels, used a BLA to reduce the parcel sizes below zoning allowances leaving a larger residual parcel, reseggregated the residual parcel, used a BLA to reduce the parcel sizes below zoning allowances except for the residual parcel etc. etc. These were done without regard to minimum lot sizes allowable by then current zoning, and by being technically one application, avoided

1 the prohibition of re-segregating previously segregated land on the theory that it had not
2 been previously segregated because this was the first application seeking to do so-
3 regardless of the fact that this application did in multiple times.

- 4 5. The twelve parcels depicted on the original record of survey were created from a single
5 parcel (parcel #1718-04040-0001). The twelve parcels shown in the record of survey
6 were created via a "shuffle", a true and correct copy of the application materials are
7 attached hereto as Exhibit "A."
- 8 6. Kittitas County has processed amendments to administrative segregations, such as in the
9 Flying M matter, under the misunderstanding that they were still regulated by the long
10 repealed administrative segregation provisions of Kittitas County code, rather than the
11 current and applicable sections of Ch. 58.17 RCW. This matter is an example of the
12 County, as it goes forward, seeking to correctly apply the law.
- 13 7. Administrative segregations often did not depict roads at all. By having depicted roads
14 and an access point in the original administrative segregation, and now seeking to amend
15 those roads and access point, (as well as adding a thirteenth lot to the project), the
16 decision was made that, in accord with RCW 58.17, a plat amendment was required.
- 17 8. Any existing subdivision seeking these types of changes would be required to go through
18 the plat amendment process.
- 19 9. I make this statement under the penalty of perjury under the laws of the State of
20 Washington and affirm that the foregoing is true and correct.

21 DATED this 20th day of SEPTEMBER, 2021 in Ellensburg, Washington.

22 

23 DAN CARLSON