

## Bradley Gasawski

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**From:** chrisimmer islandchapel.net <chrisimmer@islandchapel.net>  
**Sent:** Monday, March 31, 2025 7:55 PM  
**To:** Bradley Gasawski  
**Cc:** Cassandra.weekes@dfw.wa.gov; Munir Shamkhi; Kari.1064@hotmail.com  
**Subject:** Re: RU-25-00001 Immer - Transmittal of Comments  
**Attachments:** RU-25-00001 Immer - Comments - Combined Comments.pdf

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Bradley, I had a phone conversation with Cassandra Weekes about my project and her hopes for a meeting with you, Department of Ecology, myself and whomever else may need to be there. She also stated that she has worked with you before. This would be great to do sooner rather than later as the best time to view is during the melt when the stream will be at its highest flow.

Cassandra stated that WDFW wants us to be able to use our property and was assuring that we could work out a plan that will allow us to continue to use our property appropriately. As you may know from her letter, I have successfully worked out a plan with my other lot that is connected. I worked with her predecessor to achieve the desires/specs of WDFW.

I believe Cassandra's current disapproval of our project is based on the fact she has not had eyes on it yet and can't without empirical evidence make a proper judgement while sitting at her desk. Cassandra also makes mention of the fact that "it's unclear and we request clarification on whether this proposal is only for Kittitas County parcel 738035 or if the additional parcels mentioned within the project narrative and included in the Critical Areas Report are included. If there is a larger development planned for the Jay Way parcels referenced, the development and mitigation should be evaluated as a whole and not piecemealed by individual parcel."

Although I am not speaking for any other lot owners, I do know however that there are others that will be pursuing permits as soon as we get some hard answers to the many questions that continue to arise. We are all open to having a meeting with all who need to be involved in the decisions to be made.

I would like to remind Kittitas county that ["As the Washington Supreme Court put it](#), "The basic rule in land use law is still that, absent more, an individual should be able to utilize his own land as he sees fit." **Furthermore**, property owners who seek permission from the government to develop their property retain the "right to be free of arbitrary or irrational zoning actions," [according to the U.S. Supreme Court](#). "Manna Funding LLC v. Kittitas county, **and as well**, "A property owner who needs special permission to use her property is not seeking a government entitlement (like social security or welfare) that may or may not constitute a property "right." A property owner already has constitutionally protected property rights. Obtaining a land use permit is merely the process that the owner must follow in order to exercise those rights. The Seventh Circuit Court of Appeals said it well in [River Park v. City of Highland Park](#): Zoning restrictions are not the measure of an owner's property interest; they just create a set of rules restricting the exercise of preexisting property rights." **and finally**, "Despite the expanding power

*over land use exerted by all levels of government, "[t]he basic rule in land use law is still that, absent more, an individual should be able to utilize his own land as he sees fit. U.S. Const. amends. 5, 14." Norco Constr., Inc. v. King Cy., 97 Wn.2d 680, 684, [649 P.2d 103](#) (1982). One aspect of this court's protection of these rights is our vested rights doctrine."*

I (we) look forward to working with you all to enable us to "use our land as we see fit. "

Chris Immer

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**From:** Bradley Gasawski <bradley.gasawski@co.kittitas.wa.us>  
**Sent:** Friday, March 28, 2025 10:54 AM  
**To:** chrisimmer islandchapel.net <chrisimmer@islandchapel.net>  
**Cc:** Jamey Ayling <jamey.ayling@co.kittitas.wa.us>; Bradley Gasawski <bradley.gasawski@co.kittitas.wa.us>; Zach Torrance-Smith <zach.torrancesmith@co.kittitas.wa.us>; Ellie Myers <ellie.myers@co.kittitas.wa.us>  
**Subject:** RU-25-00001 Immer - Transmittal of Comments

Good Morning,

Please see the attached correspondence regarding your reasonable use application (RU-25-00001 Immer). A physical copy of the correspondence has been placed in the mail. Please let me know if you have any questions.

Thanks,  
Bradley

**Bradley Gasawski | Planner I**

Kittitas County Community Development Services | 411 N. Ruby St; Suite 2 | Ellensburg, WA 98926

Office: 509.962.7539

Email: [bradley.gasawski@co.kittitas.wa.us](mailto:bradley.gasawski@co.kittitas.wa.us)

If this is about a Public Records request, please go to <http://www.co.kittitas.wa.us/request/default.aspx> and fill out a request for public records through the GovQA portal.

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