



## KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

December 21, 2010

Doug Cole  
Plum Creek Timber Co., L.P.  
999 Third Avenue Suite 43000  
Seattle WA 98104-4096

**FILE COPY**

**Subject:** SG-10-00003 Plum Creek 1  
SG-10-00004 Plum Creek 2  
SG-10-00005 Plum Creek 3  
SG-10-00006 Plum Creek 4  
SG-10-00007 Plum Creek 5  
SG-10-00008 Plum Creek 6

Dear Mr. Cole,

Based upon review of the above referenced segregation applications and the additional documentation mailed to our office on November 24, 2010 by David Hill, Kittitas County Community Development Services must ***preliminarily deny*** the approval of all of the applications as submitted based on the following Kittitas County Code:

17.57.040 Lot - Minimum size.

The minimum lot size in the Commercial Forest Zone shall be eighty acres.

16.08.015 Administrative segregation.

"Administrative segregation" means the division of land within the boundaries of a legal description into fewer than ten lots or tracts where no lot or tract is less than twenty (20) acres.

Attached you will find Deputy Prosecutor Neil Caulkins analysis which forms the basis of this denial. This memo, as is summarized in the final paragraph, states in part that:

1. There is neither precedence nor process for the county to recognize the existence of government lots as lots of record; that in fact
2. The assessor and auditor are prohibited from recording or filing division that has not been subject to review; and that
3. "... land platted before enactment of the 1937 platting and subdivision act is still subject to the requirements of current law, at least to the extent that such land has not already been developed..."; and that
4. These requested segregations do not meet the criteria for minimum lot size for the Commercial Forest zone; and that
5. These requested segregations do not meet the criteria for minimum lot size for Administrative Segregations; and that
6. Applications submitted from the same owner, in the same area, at or about the same time must be reviewed cumulatively; and that

7. These cumulative requested segregations exceed the nine lot threshold for Administrative Segregations; and that
8. Washington State case law is has demonstrated on several occasions that the proper action on a land use decision cannot be foreclosed because of a possible past error in another case involving different property.

Kittitas County Community Development Services recognizes that past code interpretation, practices, and policies have granted approval similar applications to the Plum Creek Timber Company in 2005. In recognition of that fact, this preliminary denial is intended to present the applicant with the opportunity to withdraw their applications and facilitate a full refund of all application fees. While we cannot guarantee a favorable decision, should you wish to pursue a path which achieves the same outcomes and is in compliance with county code and state law, we would be happy to assist in the development of that process as well. We will await your response regarding this matter.

I am available to address any additional concerns or questions, please feel free to contact me at (509) 933-8274.

Sincerely;



Jeff Watson  
Staff Planner  
jeff.watson@co.kittitas.wa.us

**FILE COPY**

Cc: David Hill via email at: david@concepteng.com