

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

**IN RE:** )  
 )  
CU 11-3 & SEPA Appeal ) **STIPULATION AND ORDER**  
 ) **ON SEPA APPEAL**  
Cascade Field & Stream Club )

COMES NOW James C. Carmody, attorney, on behalf of Appellants, Jeff Slothower, attorney on behalf of the Applicant, Neil Caulkins, Deputy Prosecuting Attorney, on behalf of Kittitas County, and hereby make the following stipulations regarding the SEPA Appeal filed by appellants:

**STIPULATIONS**

1. The hearing on Appellants' SEPA Appeal and on the merits of the Applicant's conditional use permit application shall be held on July 11, 2013, at 6:00 p.m. at the Kittitas County Commissioner's Hearing Room, Ellensburg, Washington.
2. The Appellants shall provide any legal memorandum and/or expert opinions regarding noise studies to the Applicant, the County, and the Hearing Examiner on or before June 6, 2013.
3. Kittitas County and the Applicant shall provide any responsive legal memorandum and/or expert opinions to the Appellants, the Hearing Examiner and to each other by June 20, 2013.
4. The hearing on July 11, 2013, shall be comprised of two phases. The first phase will be argument regarding Appellants' SEPA Appeal. No new evidence will be offered during to the SEPA Appeal phase. The Appellants, with the burden of proof, shall argue first, followed by the Applicant's attorney, followed by the County's attorney. No further public participation will be permitted during this phase of the hearing.

5. The second phase of the hearing will comprise of a hearing on the merits of the underlying conditional use permit application. This will be an open record hearing as governed by the Kittitas County Code and the Hearing Examiner Rules of Procedure.
6. Within ten (10) working days after the hearing, the Hearing Examiner will make a written decision on the SEPA Appeal. If necessary, the Hearing Examiner will also make a written recommendation to the Kittitas County Board of Commissioners regarding the underlying conditional use permit application.
7. The decision on the SEPA Appeal will be based upon the record compiled by Kittitas County in rendering its SEPA decision, as well as the materials submitted by the Appellants as part of their appeal, the materials submitted by Appellants as part of their June 6, 2013, submission and the materials submitted by the County and the Applicant as part of their June 20, 2013, submission.
8. No further sound studies shall be undertaken to be part of the record for the SEPA Appeal.
9. The SEPA appeal process is one that has been stipulated to by the Appellant, the Applicant and Kittitas County (the parties) and the parties further stipulate that no appeal may be based on this stipulated process and hereby waive any appeal to any court with jurisdiction based on this stipulated SEPA appeal process.

SO STIPULATED this \_\_\_\_ day of May, 2013.

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JAMES CARMODY, Attorney for  
Appellants

 5-20-13  
\_\_\_\_\_  
JEFFREY SLOTHOWER, Attorney  
for Applicant

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NEIL CAULKINS, Deputy Prosecuting  
Attorney for Kittitas County

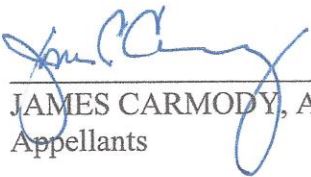
### ORDER

BASED UPON the foregoing Stipulations, the Hearing Examiner hereby orders as follows:

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3. Kittitas County and the Applicant shall provide any responsive legal memorandum and/or expert opinions to the Appellants, the Hearing Examiner and to each other by June 20, 2013.
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SO STIPULATED this 21 day of May, 2013.

  
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JAMES CARMODY, Attorney for  
Appellants

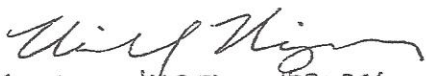
\_\_\_\_\_  
JEFFREY SLOTHOWER, Attorney  
for Applicant

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SO STIPULATED this 21<sup>st</sup> day of May, 2013.

\_\_\_\_\_  
JAMES CARMODY, Attorney for  
Appellants

\_\_\_\_\_  
JEFFREY SLOTHOWER, Attorney  
for Applicant

  
MICHAEL NIGREY, #36596  
For NEIL CAULKINS, Deputy Prosecuting  
Attorney for Kittitas County

### ORDER

BASED UPON the foregoing Stipulations, the Hearing Examiner hereby orders as follows:

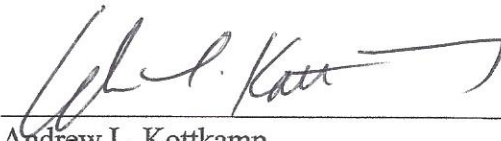
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1. The hearing on appellants' SEPA Appeal and on the merits of the applicant's conditional use permit application shall be held on July 11, 2013, at 6:00 p.m. at the Kittitas County Commissioner's Hearing Room, Ellensburg, Washington.
2. The appellants shall provide any legal memorandum and/or expert opinions regarding noise studies to the applicant, the County, and the Hearing Examiner on or before June 6, 2013.
3. Kittitas County and the applicant shall provide any responsive legal memorandum and/or expert opinions to the appellants, the Hearing Examiner and to each other by June 20, 2013.
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SO ORDERED this 21 day of May, 2013.

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Andrew L. Kottkamp