

Lindsey Ozbolt

From: Lindsey Ozbolt
Sent: Thursday, May 09, 2013 4:57 PM
To: 'Traci Shallbetter'; tckchristman@fairpoint.net
Cc: Doc Hansen
Subject: RE: Steigleder CUP - SEPA Appeal filed

Good afternoon Traci.

I have been working on compiling the information for the briefing schedule this afternoon. The timeframe is set by CDS receiving the appellants brief. Our code in KCC 15A.07.010(3) indicates that the appellants brief shall be submitted 30 days prior to the hearing date and that the respondent shall submit their brief 10 business days prior to the hearing date. Unfortunately, the respondent being willing to reduce their response time does not affect the required timeframe for scheduling the hearing.

15A.07.010 Appeal of determination or decision.

1. An appeal of an administrative land use decision shall be filed with the board of county commissioners within 10 working days of the date of the decision.
2. Appeals shall contain a written, concise statement identifying:
 - a. The decision being appealed;
 - b. The name and address of the appellant and his interest(s) in the matter;
 - c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
 - d. The desired outcome or changes to the decision;
 - e. The appeals fee.
The appeal shall contain only the above listed material, and shall not contain or attempt to introduce new evidence, testimony, or declaration.
3. Upon the filing of a timely appeal, the administrator shall, in consultation with the appropriate hearing body chair pursuant to KCC 15A.01.040, set the time and place at which the matter will be considered and establish a briefing schedule for the parties. The appellant's brief shall be due 30 days prior to the hearing date. Briefing from the County and any other Respondents shall be due 10 working days prior to the hearing date. There shall be no response or rebuttal briefing by any party. The officer from whom the appeal is being taken shall forthwith transmit to the reviewing body and the parties all of the records pertaining to the decision being appealed. Briefing shall be limited to legal argument based upon the documents comprising the record that formed the basis for the administrative decision on appeal that have been transmitted to the parties by said officer. (Ord. 2010-008; Ord. 2000-07; Ord. 98-10, 1998)

Based on the calendar the earliest we could hold the appeal hearing is June 27th, however the appellant is not available that week. The appellant contacted the County this week in regards to their unavailability for the time frame of June 21st to July 7th. Staff discussed this with our prosecuting attorney and feel it is in the best interest of all involved to not schedule a hearing when one of the parties' is not available. Therefore, the hearing will be held on July 11th at 6pm.

I plan on putting the briefing schedule and associated documents in the mail tomorrow for both the appellant and respondent.

Please let me know if you have any questions.

Lindsey Ozbolt
Staff Planner

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From: Traci Shallbetter [mailto:traci@shallbetterlaw.com]
Sent: Thursday, May 09, 2013 12:15 PM
To: Lindsey Ozbolt; tckchristman@fairpoint.net
Cc: Doc Hansen
Subject: RE: Steigleder CUP - SEPA Appeal filed

Lindsey,

Could you please tell me the status of getting a hearing date and briefing schedule in place. Time is of the essence on this application, as the applicants' business is seasonal and they would really like to have the matter resolved (permit approved/denied) as soon as possible so that they can proceed accordingly with their business. Please do what you can to get a hearing date and briefing schedule. My clients are willing to agree to/shorten/stipulate to a period of 7 days from receipt of the Appellants' brief for providing our response if that will enable a sooner hearing date.

Traci Shallbetter
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From: Lindsey Ozbolt [mailto:lindsey.ozbolt@co.kittitas.wa.us]
Sent: Tuesday, April 30, 2013 9:22 AM
To: tckchristman@fairpoint.net; 'Traci Shallbetter'
Cc: Doc Hansen
Subject: Steigleder CUP - SEPA Appeal filed

Hello Kathy and Traci.

A SEPA appeal was filed with the Board of County Commissioners yesterday afternoon (April 29th) by Mr. Slothower, representing Bill Rowley. I have attached the SEPA Appeal document to this email for you review. The hearing before the Hearing Examiner will be cancelled for this project this week and I will be sending out a briefing schedule soon. The SEPA appeal process will need to take place prior to being able to move forward with the CUP process.

Please let me know if you have any questions.

Sincerely,

Lindsey Ozbolt
Staff Planner

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