

Lindsey Ozbolt

From: Brian D. Amsbary <brian@rodaboughlaw.com>
Sent: Friday, June 05, 2015 3:52 PM
To: 'Andrew Kottkamp' (andy@wenatcheelaw.com)
Cc: Lindsey Ozbolt; Neil Caulkins; Chris.Gourley@dfw.wa.gov; Doc Hansen; Bill Williamson
Subject: Re: Request for Postponement of Hearing
Attachments: 2015 0605 GT Ranch's Reply to County.pdf; 2015 0605 Second Williamson Declaration.pdf

Good afternoon — attached are (1) GT Ranch's reply to the County's response to its motion for a continuance and (2) a second supporting declaration from Bill Williamson. Hard copies will follow by mail to the Hearing Examiner, the planning department, and DFW. Please let us know immediately if anyone else should receive a copy.

Best regards,

Brian D. Amsbary | Of Counsel
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cell: 206.790.3896 | brian@rodaboughlaw.com

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From: Doc Hansen <doc.hansen@co.kittitas.wa.us>
Date: Friday, June 5, 2015 at 10:26 AM
To: "'Andrew Kottkamp' (andy@wenatcheelaw.com)" <andy@wenatcheelaw.com>
Cc: Lindsey Ozbolt <lindsey.ozbolt@co.kittitas.wa.us>, Neil Caulkins <neil.caulkins@co.kittitas.wa.us>, Brian Amsbary <brian@rodaboughlaw.com>, "Chris.Gourley@dfw.wa.gov" <Chris.Gourley@dfw.wa.gov>
Subject: FW: Request for Postponement of Hearing

Robert "Doc" Hansen
Interim Director and Planning Official

From: Doc Hansen
Sent: Friday, June 05, 2015 10:09 AM
To: 'Andrew Kottkamp' (andy@wenatcheelaw.com)
Cc: Neil Caulkins; Lindsey Ozbolt; 'Chris.Gourley@dfw.wa.gov'
Subject: Request for Postponement of Hearing

Mr. Kottkamp

Please find my response for Mr. Williamson's request for postponement of CU-14-00006 and SD 14—00003 public hearing. Thank you.

Robert "Doc" Hansen
Interim Director/Planning Official

#53

Kittitas County Community Development Services
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BEFORE THE HEARING EXAMINER
FOR KITTITAS COUNTY

In re: the Hearing Examiner proceedings to review Washington State Dep't of Fish & Wildlife conditional use, shoreline substantial development, and shoreline conditional use permit applications for Highway 10 Yakima River boat ramp facility (CU-14-00006 and SD-14-00003)

No. CU-14-00006 and SD-14-00003

GT RANCH'S REPLY TO THE COUNTY IN SUPPORT MOTION FOR CONTINUANCE OF HEARING

GT Ranch, LLC offers the following reply to the County's opposition to the motion for continuance. As an initial matter, the County asserts that Mr. Williamson received notice via email on May 26th. However, Mr. Williamson was out of state without access to cell phone or email the week of May 26th, and thus did not receive notice until he returned to the office June 1st. Second Decl. of Bill H. Williamson in Support of GT Ranch's Mot. for Continuance of Hearing (Second Williamson Decl.), ¶ 1.

More important, however, is what transpired a couple weeks before. Prior to heading out of state, Mr. Williamson attempted to get an update on any potential hearing in this matter. Second Williamson Decl., ¶ 2. Specifically, on May 15th, Mr. Williamson asked Lindsey Ozbolt—the County's assigned planner for the project—for an update concerning the applications or any hearings. *Id.*, Ex. 1. Ms. Ozbolt responded that a hearing hadn't been scheduled yet. *Id.* However,

1 *just the day before*, Ms. Ozbolt informed the Department Fish & Wildlife that she was going to “get
2 the project scheduled for the Hearing Examiner for June 11th” in coordination with DFW’s request.
3 *Id.*, Ex. 2.

4 Surely any notion of good faith or fair dealing required Ms. Ozbolt to inform Mr.
5 Williamson of this in responding to his email. *If she had done so, all of the scheduling and*
6 *workload issues raised here could have been addressed and handled weeks ago.* See Second
7 Williamson Decl., ¶ 3. The net result of her failure to do so is that—presuming the hearing goes
8 forward on the 11th—one side has been given a significant advantage in being able to have all their
9 key personnel present at the hearing, while the other will not.

10 The Examiner should not reward such tactics with such an advantage. GT Ranch is
11 requesting a two-week continuance, nothing more, and the grounds stated in its motion—in
12 conjunction with the information presented above—amply satisfy the “reasonable grounds”
13 requirement. As stated previously, and his additional declaration here, Mr. Williamson cannot
14 attend on June 11th, and his presence is critical to the effective presentation of GT Ranch’s position.
15 Second Williamson Decl., ¶ 3; *see also* KCC 1.10.015 (party entitled to counsel of choice at
16 hearing). Moreover, while the County faults GT Ranch for not having its experts prepare testimony
17 prior to the issuance of the notice of hearing, it is of course only after the notice has been issued that
18 the exact scope and nature of the hearing—and the attendant limits or requirements this places on
19 the allowed testimony or commentary—can be fully ascertained. Only then can the needed
20 testimony realistically be prepared.

21 * * * * *

1 **DECLARATION OF SERVICE**

2 I, Brian D. Amsbary, declare as follows, pursuant to GR 13 and RCW 9A.72.085:

3 On June 5, 2015, I caused the foregoing document to be served on or filed with the below
4 in the manner indicated:

5 **Robert Hansen & Lindsey Ozbolt**
6 **Kittitas County Community Dev. Services**
7 411 North Ruby Street, Suite 2
8 Ellensburg, WA 99296

- Hand Delivery
- First Class U.S. Mail
- E-mail: doc.hansen@co.kittitas.wa.us,
lindsey.ozbolt@co.kittitas.wa.us
- Other:

8 **Office of the Kittitas County Hearing**
9 **Examiner**
10 **Andrew L. Kottkamp, Attorney**
11 Kottkamp & Yedinak PLLC
12 PO Box 1667
13 Wenatchee, WA 98807-1667

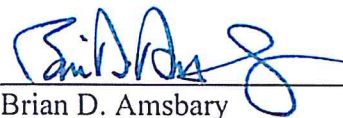
- Hand Delivery
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11 **Christina Gourley, applicant**
12 **Washington State Dep't of Fish & Wildlife**
13 600 Capitol Way North
14 Olympia, WA 98502

- Hand Delivery
- First Class U.S. Mail
- E-mail: Chris.Gourley@dfw.wa.gov
- Other:

14 I declare under penalty of perjury under the laws of the State of Washington that the
15 foregoing is true and correct.

16 Executed this 5th day of June, 2015, at Seattle, Washington.

17 

18 Brian D. Amsbary