

Lindsey Ozbolt

From: Andrew Kottkamp <andy@wenatcheelaw.com>
Sent: Wednesday, June 10, 2015 2:19 PM
To: 'Brian D. Amsbary'
Cc: Lindsey Ozbolt; Chris.Gourley@dfw.wa.gov; 'Bill Williamson'
Subject: RE: Procedural questions re: tomorrow's hearing: CU-14-00006 and SD-14-00003

Mr. Amsbary

In response to your procedural questions;

1. I generally do not allow cross examination of witnesses. I do not allow questioning of staff because they are not testifying as witnesses. If you have questions, I would ask that you present them to me during the hearing and if I find them to be relevant to my inquiry, then I will ask them. If you have objections that you want to place on the record, please feel free to do so. I will allow your client ample time to present their evidence and to why this application does not comply with the applicable rules and regulations. I will likely admit the entire planning staff file into the record at the hearing.
2. I will follow this general procedure, except that I may not allow cross examination, either by yourself or against your witnesses. I am looking for relevant facts, not procedural or personal attacks. I have read the staff file several times and I am familiar with the issues presented so far.
3. Folks testifying can simply come up and talk. All witnesses are put under oath. If they have written materials, I will ask that they not read them at the hearing if they are then just going to submit the written comments as an exhibit. I will read all written comments. You can question your witnesses if that is needed or helpful for you. It is not necessary for me. As to the time limits of testimony, I will see how many folks plan on testifying. I may limit the time of the testimony. I may or may not ask questions of staff, the applicant, or any expert or lay witness.
4. Written comments can be provided at the hearing. It would be helpful if there were copies for myself, staff and the applicant. I would rather not receive email transmissions at this late date. But if you do submit an email with comments, please share with the county and the applicant.

I hope this has answered your questions.

Andrew Kottkamp
Kittitas County Hearing Examiner

Andrew Kottkamp

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#57

From: Brian D. Amsbary [mailto:brian@rodaboughlaw.com]
Sent: Wednesday, June 10, 2015 10:33 AM
To: Andrew Kottkamp
Cc: lindsey.ozbolt@co.kittitas.wa.us; Chris.Gourley@dfw.wa.gov; Bill Williamson
Subject: Procedural questions re: tomorrow's hearing; CU-14-00006 and SD-14-00003

Mr. Examiner — we've reviewed the rules in the County Code concerning tomorrow's hearing, and are hoping to have a few points clarified as we prepare.

1) KCC 1.10.013 states that the rights of parties other than the County and applicant to cross-examine, object, submit motions and arguments are at the discretion of the Examiner. Do you intend to allow GT Ranch and other such parties to exercise these rights at tomorrow's hearing?

2) KCC 1.10.019 sketches out the usual elements of the hearing. Will tomorrow's hearing include all of these and will they proceed in the order laid out in this section of the Code?

3) How is oral testimony taken? Do witnesses just come up to the lectern and speak under oath for a set amount of time, or is all testimony taken in response to questions (from counsel, the Examiner, etc)? It would be helpful to know if witnesses need to prepare remarks, or whether we need to prepare a line of questioning for them to respond to.

4) How should written testimony be presented? Should we just bring paper copies to the hearing? Or would electronic copies be helpful or preferred?

Any information you can provide on the above would be helpful. I have copied representatives from the County and DFW on this email. If anyone else should be copied, please let me know at your earliest convenience.

Best regards,

Brian D. Amsbary | Of Counsel
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