

## Lindsey Ozbolt

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**From:** Andrew Kottkamp <andy@wenatcheelaw.com>  
**Sent:** Tuesday, June 09, 2015 9:10 AM  
**To:** 'Brian D. Amsbary'  
**Cc:** Chris.Gourley@dfw.wa.gov; Lindsey Ozbolt; Doc Hansen; 'Bill Williamson'  
**Subject:** RE: Motion to continue hearing: CU-14-00006 and SD-14-00003  
**Attachments:** Signed decision on motion for continuance Kittitas County matters CU 14-6; SD 14-3.pdf

To all

Attached is my decision on GT Ranch, LLC's motion for continuance. As you will see, the motion was denied. The hearing will be this Thursday, June 11, 2015 beginning at 6pm as scheduled in the Notice for Public Hearing.

Andrew Kottkamp  
Kittitas County Hearing Examiner

*Andrew Kottkamp*

Kottkamp & Yedinak P.L.L.C.  
435 Orondo Ave.  
P.O. Box 1667  
Wenatchee, WA 98801  
(509) 667-8667  
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**From:** Brian D. Amsbary [mailto:brian@rodaboughlaw.com]  
**Sent:** Tuesday, June 09, 2015 8:09 AM  
**To:** Andrew Kottkamp  
**Cc:** Chris.Gourley@dfw.wa.gov; lindsey.ozbolt@co.kittitas.wa.us; Doc Hansen; Bill Williamson  
**Subject:** Re: Motion to continue hearing: CU-14-00006 and SD-14-00003

Mr. Examiner — per your email below, the deadline to respond to GT Ranch's motion was 5pm yesterday. It warrants noting that the Department of Fish & Wildlife did not respond to the motion or otherwise oppose it by the deadline; only the County did. The County, however, has no interest here beyond that of regulator or administrator. The truly interested parties are DFW and GT Ranch.

So, ultimately, GT Ranch made a motion and the only other truly interested party didn't oppose. This—taken together with the County's earlier failure to deal with GT Ranch's counsel in good faith—simply underscores that the motion should be granted.

Best regards,

**Brian D. Amsbary | Of Counsel**

Law Office of Samuel A. Rodabough PLLC  
10900 NE 4th Street, Suite 2300 | Bellevue, WA 98004  
cell: 206.790.3896 | [brian@rodaboughlaw.com](mailto:brian@rodaboughlaw.com)

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**From:** Andrew Kottkamp <[andy@wenatcheelaw.com](mailto:andy@wenatcheelaw.com)>  
**Date:** Thursday, June 4, 2015 at 3:24 PM  
**To:** Brian Amsbary <[brian@rodaboughlaw.com](mailto:brian@rodaboughlaw.com)>  
**Cc:** "[Chris.Gourley@dfw.wa.gov](mailto:Chris.Gourley@dfw.wa.gov)" <[Chris.Gourley@dfw.wa.gov](mailto:Chris.Gourley@dfw.wa.gov)>, "[lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)" <[lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)>  
**Subject:** RE: Motion to continue hearing: CU-14-00006 and SD-14-00003

I have received the Motion to Continue Hearing from Mr. Amsbary. I will give the Applicant and the County until 5pm, Monday, June 8 to provide their written responses. I will issue my decision on this motion, without oral argument, before 5pm on Tuesday, June 9. This decision will be sent via email.

Andrew Kottkamp  
Kittitas County Hearing Examiner

*Andrew Kottkamp*

Kottkamp & Yedinak P.L.L.C.  
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**From:** Brian D. Amsbary [<mailto:brian@rodaboughlaw.com>]  
**Sent:** Thursday, June 04, 2015 2:55 PM  
**To:** [andy@wenatcheelaw.com](mailto:andy@wenatcheelaw.com)  
**Cc:** [Chris.Gourley@dfw.wa.gov](mailto:Chris.Gourley@dfw.wa.gov); [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)  
**Subject:** Motion to continue hearing: CU-14-00006 and SD-14-00003

Good afternoon — attached are a motion to continue the Kittitas County Hearing Examiner hearing currently scheduled for June 11, 2015, on the above-referenced permits. Hard copies will follow by mail.

I have copied the Examiner and representatives of the County and the applicant (Washington DFW) on this email. If anyone else should receive these papers, please let me know immediately.

Best regards,

**Brian D. Amsbary | Of Counsel**

Law Office of Samuel A. Rodabough PLLC

10900 NE 4th Street, Suite 2300 | Bellevue, WA 98004

cell: 206.790.3896 | [brian@rodaboughlaw.com](mailto:brian@rodaboughlaw.com)

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Version: 2014.0.4800 / Virus Database: 4311/9916 - Release Date: 06/01/15

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BEFORE THE KITTITAS COUNTY HEARINGS EXAMINER

IN THE MATTER OF

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)DECISION ON MOTION FOR

)CONTINUANCE

CU 14-6, SD 14-3

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WDFW

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1. On May 26, 2015, Kittitas County Department of Community Development issued a Notice of Hearing in the above revered matter, setting the hearing for June 11, 2015.
2. On June 4, 2015 the Hearing Examiner received and email from attorney Brian Amsbary submitting materials supporting a motion for continuance of the June 11, 2015 hearing on behalf of GT Ranch, LLC a party of record. This included a Motion and supporting legal argument and a Declaration of Bill Williamson.
3. On June 4, 2015 the Hearing Examiner notified, by email, Mr. Amsbary, Kittitas County and the Applicant that the County and the Applicant had until 5pm on Monday June 8 to submit their written response to this request and that the Hearing Examiner would issue a decision on the motion by Tuesday June 9.
4. On Friday July 5, 2015 Kittitas County emailed its response to the Motion for Continuance. This response opposed the requested continuance.
5. On June 8, 2015 Mr. Amsbary submitted a Response to the County Response and a Second Declaration of Bill Williamson.
6. On June 8, 2015, WDFW submitted their response to the motion. This response opposed the requested continuance.
7. The continuance request is based upon claims of Mr. Williamson's unavailability and inability to adequately prepare for the hearing.
8. GT Ranch, LLC takes issue with an email from Lindsey Ozbolt to Mr. Williamson dated May 15, 2015 at 3:00 pm. The claim is that Ms Ozbolt, in an email to the Applicant's representative dated May 14, 2015, specifically reference June 11 as a potential hearing date, but didn't repeat that information in the email the following day to Mr. Williamson.
9. However, in both the May 14 email to the applicant's representative and the May 15 email to GT Ranch, LLC's representative, Ms Ozbolt told each that the Notice of Hearing would be issued in the next week. She added in the email to Mr. Williamson that if not issued the next week, then "early the following week."
10. The Notice of Hearing was issued May 26, 2015, which is "early the following week" as referenced in Ms. Ozbolt's May 15, 2015 email to Mr. Williamson. This Notice of Public Hearing was emailed to Mr. Williamson on May 26, 2015. Mr. Williamson was at Crater Lake Oregon on this date and did not personally receive this email.

11. The Hearing Examiner's regularly scheduled hearings in Kittitas County are the second and fourth Thursday's of each month. This is codified in KCC 1.10.012.
12. The Notice of Public Hearing was timely issued by Kittitas County.
13. The Hearing Examiner is not aware of any evidence that Mr. Williamson ever notified Kittitas County of his unavailability for hearing on June 11, until the Motion for Continuance was filed.
14. There is no specific evidence before the Hearing Examiner as to when Mr. Williamson's meeting with the City of Redmond, upon which he bases his conflict, was scheduled. He did testify in his Second Declaration that the Redmond meetings were scheduled "weeks ago." (Page 2 lines 4-5). However, this vague reference is neither helpful to the Hearing Examiner in rendering this decision nor convincing evidence as to when the Redmond meeting was scheduled.
15. Either the Redmond meetings were scheduled before May 26, (in which case Mr. Williamson should have notified the County of his unavailability June 11, a regularly scheduled hearing date) or the Redmond meetings were scheduled after the issuance of the Notice of Public Hearing, in which case Mr. Williamson should have notified those involved in the Redmond meeting of the scheduled Kittitas County hearing. Either way, Mr. Williamson should have provided notice to the Redmond group of the potential for a June 11, 2015 hearing in Kittitas County as it is a regularly scheduled hearing date.
15. As of Ms Ozbolt's email to Mr. Williamson dated May 15, 2015, it should have been apparent to Mr. Williamson that the Open Record Public Hearing on the above referenced matters would be set in June, 2015. There were only two regularly scheduled hearing dates in June, 2015, of which Mr. Williamson should have been aware when he received Ms. Ozbolt's May 15, 2015 email. If Mr. Williamson had any conflict in his schedule for June, it would have been reasonable for him to provide notice of this conflict to Kittitas County.
16. GT Ranch, LLC claims that they need additional time to prepare expert and lay testimony for the hearing. However, GT Ranch, LLC has known that a hearing was likely to be set in June, including June 11, since the May 15, 2015 email from Ms. Ozbolt to Mr. Williamson. GT Ranch, LLC has had ample opportunity to prepare for this hearing.
17. GT Ranch, LLC claims that they have not had the opportunity to request a prehearing conference in this matter. This is incorrect. GT Ranch, LLC apparently chose to bring this motion for a continuance instead of requesting a Prehearing Conference.
18. GT Ranch, LLC may present witness testimony in writing on the day of the hearing. Live testimony is not required.
19. KCC 1.10.020 (2) allows a party of record to request a continuance prior to the hearing and that the request state reasonable grounds for a continuance. GT Ranch, LLC has failed to state reasonable grounds for a continuance.
20. Accordingly, the Motion for Continuance is hereby **DENIED**.

Dated this 9<sup>th</sup> day of June, 2015.

KITTITAS COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

Decision on Motion for Continuance  
CU 14-6; SD 14-3  
WDFW

BEFORE THE KITTITAS COUNTY HEARINGS EXAMINER

IN THE MATTER OF

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)DECISION ON MOTION FOR

)CONTINUANCE

CU 14-6, SD 14-3

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WDFW

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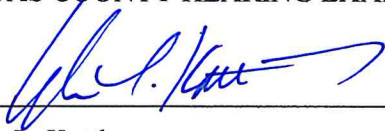
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19. KCC 1.10.020 (2) allows a party of record to request a continuance prior to the hearing and that the request state reasonable grounds for a continuance. GT Ranch, LLC has failed to state reasonable grounds for a continuance.
20. Accordingly, the Motion for Continuance is hereby **DENIED**.



Dated this 9<sup>th</sup> day of June, 2015.

KITTITAS COUNTY HEARING EXAMINER

A handwritten signature in blue ink, appearing to read "A. L. Kottkamp", is written over a horizontal line.

Andrew L. Kottkamp