

Lindsey Ozbolt

From: Brian D. Amsbary <brian@rodaboughlaw.com>
Sent: Thursday, June 04, 2015 2:55 PM
To: andy@wenatcheelaw.com
Cc: Chris.Gourley@dfw.wa.gov; Lindsey Ozbolt
Subject: Motion to continue hearing: CU-14-00006 and SD-14-00003
Attachments: 2015 0604 Motion for Continuance.pdf; 2015 0604 Williamson Declaration.pdf

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

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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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 MOTION FOR CONTINUANCE OF HEARING

Per Kittitas County Code (KCC) 1.12.020, GT Ranch, LLC moves for a continuance of the hearing in this matter from June 11, 2015, to June 25, 2015, the next available regular hearing date under KCC 1.10.012. A proposed order is attached as Attachment 1.

As is explained in greater detail below, GT Ranch has two grounds for this request. First, GT Ranch's counsel, Bill H. Williamson, is unavailable to attend a hearing on June 11th. GT Ranch intends to present testimony from several witnesses, and Mr. Williamson's presence is essential to the efficient, effective presentation of this testimony. Second, Mr. Williamson didn't receive notice concerning the hearing until this past Monday, June 1st. As a result, neither Mr. Williamson nor GT Ranch's witnesses will have time to adequately prepare or timely submit written or oral testimony for a hearing on June 11th. Proceeding with the current schedule would thus materially and adversely prejudice and affect GT Ranch's right to a fair and meaningful

1 hearing before the Examiner. Conversely, continuing the hearing two weeks will not materially
2 prejudice the County or the applicant, Washington State Department of Fish & Wildlife (DFW).

3 **FACTUAL BACKGROUND**

4 This matter involves the Department of Fish & Wildlife's applications for conditional
5 use, shoreline substantial development, and shoreline conditional use permits for a boat launch
6 and haul-out facility on the Yakima River just outside of Thorp. *See* Decl. of Bill H.
7 Williamson in Support of Continuance of Hearing (Williamson Decl.), ¶ 1.¹ Movant GT
8 Ranch owns property directly across the river from the proposed project. In April, GT Ranch
9 submitted written comments to the County regarding the proposal and permit applications,
10 expressing a number concerns about the proposal's impacts and the failure to mitigate such
11 impacts.²

12 This past Monday, June 1st, GT Ranch's counsel, Bill H. Williamson, received a notice—
13 dated May 26th, but not mailed until May 28th—scheduling a hearing on the proposal and permits
14 for June 11th. *See* Williamson Decl., ¶¶ 1-2. Mr. Williamson is not available to attend a hearing
15 that evening, as he has a previously scheduled meeting in Redmond that will run all day. *See*
16 Williamson Decl., ¶ 3. In addition, given the short turnaround between receipt of the hearing
17 notice and the hearing itself, Williamson and GT Ranch's witnesses will not be able make
18 timely pre-hearing conference requests, submit briefs, or otherwise adequately prepare
19 testimony for the hearing. *See* Williamson Decl., ¶¶ 3-4.

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22 ¹ Mr. Williamson's declaration is submitted concurrently with this motion.

23 ² A copy of this letter (without exhibits) is attached to this motion as Attachment 2 and is incorporated herein by reference.

1 make timely pre-hearing conference requests, submit briefs, or otherwise adequately prepare
2 testimony for the hearing. *See Williamson Decl.*, ¶¶ 3-4. Indeed, KCC 1.10.015(3) indicates
3 that written briefs or other materials would need to be submitted by the date of this motion—a
4 mere three days after receiving the notice of hearing—under the current schedule.

5 In addition to due process, other relevant factors in assessing a request for a
6 continuance include surprise, diligence, redundancy, and maintenance of orderly procedure.
7 *See State v. Downing*, 151 Wn.2d 265, 273 (2004). These weigh overwhelmingly in favor of
8 continuing the case schedule. GT Ranch has moved expeditiously in response to the notice of
9 hearing. Moreover, there have not been other continuances in this matter, and giving the
10 parties adequate time to (1) confer before the hearing to structure or streamline proceedings,
11 and (2) ultimately prepare for the hearing, will only further the interests in orderly procedure
12 and substantial justice.

13 Given all of this, proceeding with the current schedule will materially and adversely
14 prejudice and affect GT Ranch's right to a fair and meaningful hearing before the Examiner,
15 and will not unduly prejudice the County or DFW. The hearing should accordingly be
16 continued until June 25th, the next available regularly scheduled hearing date under KCC
17 1.10.012.

18 RESPECTFULLY SUBMITTED this 4th day of June, 2015.

19 WILLIAMSON LAW OFFICE

20
21 
22 Bill H. Williamson, WSBA #4304
23 Attorneys for GT Ranch, LLC

1 **DECLARATION OF SERVICE**

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

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

5 **Lindsey Ozbolt, Staff Planner**
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: lindsey.ozbolt@co.kittitas.wa.us
- Other:

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

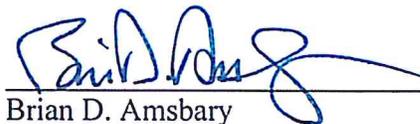
- Hand Delivery
- First Class U.S. Mail
- E-mail: andy@wenatcheelaw.com
- Other:

15 **Christina Gourley, applicant**
16 **Washington State Dep't of Fish & Wildlife**
17 600 Capitol Way North
18 Olympia, WA 98502

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

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

21 Executed this 4th day of June, 2015, at Seattle, Washington.

22 
23 Brian D. Amsbary

Attachment 1

GT Ranch's Motion for Continuance
CU-14-00006 and SD-14-00003
June 4, 2015

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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

[Proposed]

**ORDER GRANTING GT RANCH'S
MOTION FOR CONTINUANCE OF
HEARING**

This matter came before the Examiner on GT Ranch's Motion for Continuance of Hearing, filed June 4, 2015. Having considered the motion and the other papers and pleadings in the matter, and being fully advised,

IT IS HEREBY ORDERED:

GT Ranch's motion is GRANTED. The hearing in this matter currently scheduled for the evening of June 11, 2015 is continued until June 25, 2015.

Attachment 2

GT Ranch's Motion for Continuance
CU-14-00006 and SD-14-00003

June 4, 2015

WILLIAMSON LAW OFFICE

COLUMBIA CENTER TOWER
701 5th Avenue - Suite 5500
P.O. Box 99821
Seattle, Washington 98139-0821
Office: (206) 292-0411 / Fax: 206.292.0313
williamsonb@msn.com – www.land-useattorney.com

April 7, 2015

Via Fax(509.962.7682)/Email (cds@co.kittitas.wa.us/lindsey.ozbolt@co.kittitas.wa.us)

Lindsey Ozbolt, Planner
Kittitas County Community Development Services
411 North Ruby, Suite 2
Ellensburg, WA 98926

Re: Gordon Tang/GT Ranch, LLC Comments on WDFW Yakima River Highway 10 Access Project - Conditional Use Permit (CU-14-00006) & Shoreline Conditional Use Permit (SD-14-00003)

Dear Ms. Osbolt:

Gordon Tang, on behalf of GT Ranch, Inc., (tax parcel nos. 243233, 223233, 043233, 123233, 213233, 245233, 253233, 263233, 603233, 695933, 705933, and 715933) hereby submits the following comments on the Department of Fish & Wildlife's (WDFW) permit applications for a boat launch and haul-out facility on the Yakima River along Highway 10. As below, these applications are rife with conclusory statements utterly lacking in evidentiary support or substantive analysis for a rushed project. The applications should accordingly be denied unless and until WDFW meets its burden and adequately addresses these deficiencies.

GT Ranch owns real property along the southwest bank of the Yakima River just outside of Thorp and directly across the river from the proposed boating facility. This portion of the river is subject to easements designating it as critical riparian habitat and buffer area under Kittitas County Code (KCC) 17A.07.010. GT Ranch has long been plagued by rafters and fishers who party and leave waste on its shoreline and upland fields. It is concerned that boat traffic focused on the adjoining cross-river parcel will only increase these trespasses and the associated damage to its property and critical riparian habitat. To this point, WDFW has misrepresented its contact with affected neighborhood properties. It has failed to contact GT Ranch (Gordon Tang and his son, Calvin Tang) to discuss likely and significant impacts that recreational activities will have on the GT Ranch property. And it has made no effort to assess how the proposed boating facility might exacerbate the existing adverse recreational impacts already affecting the use and enjoyment of this rural ranch property or how such known adverse impacts can be mitigated.

1. **WDFW's CUP applications are presented in a summary, conclusory fashion insufficient for processing by the County, and should thus be denied.**

To obtain the above-referenced permits, WDFW bears the burden of showing that its proposal complies with all applicable laws and regulations—including but not limited to KCC 17.60A.015 and section 39 of the Kittitas County Shoreline Master Program (KCSMP). To this end, WDFW submitted a letter and other documents on December 23, 2014, attempting to show how its proposal satisfied these regulations.

Even a cursory review shows that WDFW's submittal is woefully insufficient. First and foremost, WDFW's "analysis" of KCC 17.60A.015 and KCSMP § 39 is nothing more than a series of conclusory statements lacking in evidentiary support or substantive analysis. No studies are provided showing how WDFW meets the various regulatory requirements. *See, e.g.*, WDFW analysis of KCC 17.60A.015(1), (2A-C), (5), (6), (7A-D), and KCSMP § 39(2A-E). Simple conclusory statements are, of course, incompetent to meet WDFW's burden. Without reasoned analysis, it is impossible to make a reasoned determination concerning the project's impacts or its compliance with the applicable requirements. *See Riss v. Angel*, 131 Wn.2d 612, 627-30, 934 P.2d 669 (1997) (holding that, absent actual evidence, reliance on conclusory statements is unreasonable, arbitrary, and constitutes impermissible summary legal conclusions); *see also Hayes v. Seattle*, 131 Wn.2d 706, 717, 934 P.2d 1179 (1997).

Because no assessment has been intelligently undertaken by WDFW in its application, the proposal's use of summary or conclusory statements violates GT Ranch's rights of substantive and procedural due process that require an opportunity to be heard at a meaningful time and in a meaningful manner. *See Mansour v. King County*, 131 Wn. App. 255, 263-64, 128 P.3d 1241 (2005). GT Ranch can only guess at what these full project details and their impacts will entail. The County should not accept summary conclusions as a substitute for a rigorous environmental analysis under KCC Chapter 17.60A and KCSMP § 39 conditional use requirements to document the nature, extent, and significance of the project's environmental impacts and an explanation of both on-site and off-site mitigating measures. *Nagatani v. Skagit County*, 108 Wn.2d 447, 480-82 (1987).

2. **WDFW's application doesn't satisfy the requirements of KCC 17.60A.015 or KCSMP § 39.**

Beyond its impermissible reliance on conclusory statements, WDFW's analysis of KCC 17.60A.015 and KCSMP § 39 is inadequate in several other respects, as described below.

KCC 17.60A.015(1). The proposed use is essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

WDFW fails to assess alternative sites for the boating facility, or even to establish the need for the facility. Why this site? Why can't other sites be expanded or utilized?

WDFW doesn't say. Nor does it provide any detail on how the facility will be secured against public access after hours or how such security measures might be enforced—leaving private property owners to deal with the resulting parties that will inevitably be drawn to the area, and the related trespassers, noise, clean up, and other resulting impacts.

KCC 17.60A.015(2). The proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that

- A. The proposed use will be adequately serviced by existing facilities such as highways, roads, police and fire protection, irrigation and drainage structures, refuse disposal, water and sewers, and schools; or
- B. The applicant shall provide such facilities; or
- C. The proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.

Nothing in WDFW's letter or other applications materials demonstrates the level of services required by its proposal or how those will be met. Nor does specify how it will provide for waste collection or service beyond saying that WDFW will provide a portable toilet. No details are provided concerning waste receptacles or WDFW's specific plan to maintain the facilities.

KCC 17.60A.015(3). The proposed use complies with relevant development standards and criteria for approval set forth in this title or other applicable provisions of Kittitas County Code.

Specific commentary concerning KCSMP § 39 is below. No detail whatsoever is provided concerning the proposal's purported compliance with Comprehensive Plan sections GPO 2.57 and 2.73.

KCC 17.60A.015(4). The proposed use will mitigate material impacts of the development, whether environmental or otherwise.

WDFW addresses some on-site and some upstream measures, but otherwise ignores off-site impacts to the neighboring ranches, including the GT Ranch and its riparian habitat areas. There's no off-site planting program to mitigate impacts to the GT Ranch property that is benefitted and burdened by easement agreements of record, no plan to prevent camping intrusion onto the GT Ranch property, and no attempt to assess off-site impacts and include these properties in a comprehensive mitigation plan. *See Exhibit A* (title documents concerning easement). WDFW also fails to address how the facility will be lighted or how it will mitigate the glare and other impacts related to the lighting system.

KCC 17.60A.015(5). The proposed use will ensure compatibility with existing neighboring land uses.

As noted above, WDFW has made no serious effort to investigate or examine off-site impacts to neighboring properties, including GT Ranch. GT Ranch already suffers from

repeated downstream rafters and recreational fishers who party and leave trash and waste on its shoreline and upland fields that the owners are forced to clean up and repair. Focused boat ramp traffic on the adjoining cross channel parcel will only increase the number of trespasses and injury to the GT Ranch property. Although it represented that it contacted Gordon Tang, owner of GT Ranch, WDFW has in fact not contacted GT Ranch to discuss present impacts from existing fishing/recreational activities or plans that the agency has to mitigate and prevent such intrusions and injury to the GT Ranch property.

KCC 17.60A.015(6). The proposed use is consistent with the intent and character of the zoning district in which it is located.

WDFW has made no effort to assess fisheries impacts and existing easements of record that are designed to protect fishery habitat at this segment of the Yakima River—including fishery habitat on the WDFW property and the GT Ranch riparian bank, and habitat areas as required under RCW 77.55.021 and WAC 222-110-030, which demand specific a specific showing that the proposed project will not result in direct or indirect harm to fish life. *See Exhibit A (title documents concerning easement).*

KCC 17.60A.015(7). For conditional uses outside of Urban Growth Areas, the proposed use:

- A. Is consistent with the intent, goals, policies, and objectives of the Kittitas County Comprehensive Plan, including the policies of Chapter 8, Rural and Resource Lands;**
- B. Preserves "rural character" as defined in the Growth Management Act (RCW 36.70A.030(15));**
- C. Requires only rural government services; and**
- D. Does not compromise the long term viability of designated resource**

As above, WDFW's response to this provision utterly lacks substantial evidence to process let alone approve the CUP applications. Common sense evidentiary support and reasoned analysis is absent. These applications fail to address any specific provisions of the comprehensive plan, discuss any off-site mitigation measures or enhancement measures designed to protect fish life or impacted neighboring properties, or analyze the level of governmental services needed to serve the property.

Indeed, it is apparent that WDFW is trying to rush this proposal through with no apparent effort being made to contact emergency service agencies—including the Kittitas County Sheriff's Office, Fire District, or Washington State Patrol—concerning impacts to these agencies' operations to determine run times for emergency response, the location of on-site water supply to fight or suppress fires, or the need for after hour security measures to prevent night time parties and unauthorized camping. Furthermore, WDFW has not disclosed the number and frequency of complaints, how the agency has responded, what the agency has done to mitigate impacts and enhance facilities to address such complaints, the average frequency of police and fire responses, or how the agency has responded with locking gate systems and other measures to prevent these haul-out facilities and ramps from becoming *de facto* public parks and nuisances to surrounding

property owners. WDFW has admitted it has conducted no transportation studies and impacts to neighboring properties in its SEPA Environmental Checklist at Par. 14f, Page 11, where it states it only “anticipates” no nuisance impacts to surrounding property owners:

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

While the project is expected to increase recreational access and opportunities, it is not anticipated that the project will draw additional traffic to the point of being a nuisance.

In addition, WDFW completely ignores recorded easements of record designating this portion of the Yakima River and riparian habitat and buffer areas as recognized critical areas under KCC 17A.07.010. *See* Exhibit A (title documents concerning easement).

KCSMP § 39(2). The applicant must supply whatever evidence, information, or agreements indicating that all of the following conditions will be met:

- (a) That there is some necessity for a shoreline site for the proposed use, or that the particular site applied for is essential for this use, and that denial of the conditional use request would create a hardship on the applicant to locate the proposed use anywhere outside the shoreline jurisdiction area.**

WDFW has provided no statement documenting the actual essential need for the boat ramp at this location. No analysis has been submitted showing the absence of other available sites, why existing WDFW boat launch sites cannot be expanded, or why access at this precise location is paramount over other alternatives.

- (b) That the design of the proposed use will make it compatible with the environment it will be placed in.**

WDFW’s makes no effort to actually analyze “compatibility with the impact on the environment,” including the existing agricultural and ranching communities uses of the Yakima River and its riparian zone, including the GT Ranch. Rather, it briefly discusses the proposed facility’s operational imperatives and compares the proposal’s design to other boat launches and haul-outs. On its face the proposal fails to assess, let alone explain, how this project is compatible with the environment, or how the project could be designed to make it compatible with the environment.

- (c) That water, air, noise, and other classes of pollution will not be more severe than the pollution that would result from the uses which are permitted in the particular environment.**

WDFW’s explanation here demonstrates that it has made no serious attempt to examine operational impacts of the boating facility by use of the term “anticipated.” Simply stated, WDFW has admitted that it has undertaken no scientific study concerning possible air, noise, and water pollution that might result from the proposal or what can be done to prevent or minimize such pollution.

- (d) **That none of the Goals, Policy Statements or specific aims of the particular environments would be violated, abrogated, or ignored.**

Again, WDFW's response here is entirely conclusory. While it may be WDFW's mission to preserve fish and wildlife resources, it completely fails to explain how it's furthering that mission through this proposal or how the proposal is consistent with the goals, policy statements and other aims of the shoreline environment. Such a failure provides no notice or fair warning to the County, the public, GT Ranch, or other affected property owners, and attempts to shift WDFW's burden of proving the need for the boat launch facility to others. By its very nature, WDFW's failures interfere with GT Ranch's rights to fair review by the County as protected by substantive and due process rights under the 5th and 14th Amendments to the United States Constitution and Article I, Sections 3 and 16 of the Washington State Constitution.

- (e) **That no other applicable regulations will be violated.**

No effort has been made by WDFW to comply with this requirement. It fails to identify any specific federal, state, or local regulations applicable to or permits required for this proposal. WDFW has not demonstrated that its project will not violate easement restrictions and covenants to protect fish that encumber the GT Ranch property under Kittitas County Recording No. 520891 to the Bureau of Reclamation as set forth in attached Exhibit A title documents:

20. ~~VARIOUS PERPETUAL EASEMENTS AND AGREEMENTS~~ and the terms and conditions thereof dated August 11, 1978 and recorded August 18, 1978 under Auditor's File No. 425447 through 425476;

In favor of:

Kittitas County

For:

~~A perpetual easement and the right, privilege and authority to construct, improve, repair and maintain bank protection for the Yakima River~~

Affects:

A portion of the Northwest ¼ and the Southeast ¼ of Section 12

21. ~~CONTRACT AND GRANT OF EASEMENT~~ dated February 10, 1989, recorded June 2, 1989, under Kittitas County Auditor's File No. 520894 by and between the Bureau of Reclamation, United States Department of the Interior, as Contracting Officer and Burns Newman Memorial Trust, as Grantor, Fish screens, ladders and appurtenant facilities. (Affects a portion of said premises)

This is further evidence of a rushed, poorly conceived project with little regard for impacts to critical areas and neighboring properties. Any one of these inadequacies warrants denial of WDFW's permits if left unaddressed. Taken together, they demand denial unless and until WDFW provides adequate analyses that establish compliance with the various regulatory requirements.

3. **WDFW's Application Violates SEPA and KCC Chapter 15.04 as a Major Project Modification.**

The attached April 7, 2015 Technical Memorandum at Exhibit B by qualified experts Christopher W. Wright and William Taylor of Raedeke & Associates indicates that the project permit being sought by WDFW has not undergone required environmental review under the State Environmental Policy Act, RCW Chapter 43.21C, and WAC Chapter 197-11, including KCC Chapter 15.04 ("SEPA"). This Memorandum notes that:

In regards to proposed in-water work, the project narrative in the SEPA checklist identified an estimated 3 cubic yards of material will be removed below the ordinary high water mark of the river. However, a table in the Shoreline CUP application identifies 21 cubic yards of cut below OHWM and an estimated 12 cubic yards of fill below OHWM. It is clear that the project has been substantially modified since issuance of the SEPA DNS. The scope of the project as outlined in the Shoreline CUP is substantially different than the scope of the project reviewed under the original SEPA determination.

These changes represent an entirely new project with a much greater scale of impact to the natural and built environments under WAC 197-11-444 demonstrating that the project envisioned as a recovery area for canoes and light non-motorized water craft has now changed to allow the recovery of towed water craft and trailer vehicles that will enter the Yakima River and riparian beds. This is a completely new and larger scale project than described in WDFW's Environmental Checklist dated January 14, 2014 filed with the County on November 6, 2014.

A major project modification from 3 cubic yards to 21 cubic yards would require that a new threshold determination to be made under SEPA under WAC 197-11-300 to WAC 197-11-990 procedures. This required threshold determination for this substantially modified project has not been made by WDFW. Until such a new SEPA threshold determination has been made by WDFW, Kittitas County should not continue to process the CUP applications.

Conclusion

Under these circumstances, the project permit application should be denied as inadequate for processing and decision-making. WDFW is free to reapply and provide the County with detailed project information, including demonstrated need, the absence of alternative sites, adequate on-site and off-site mitigation plans ensuring that shoreline aquatic fisheries and habitat areas, including neighboring riparian rural ranch properties are protected following completion of required SEPA review for a substantially modified project.

Respectfully Submitted



Bill H. Williamson, WSBA #4303
Attorney for GT Ranch, LLC

Enclosures: Exhibit A – GT Ranch Subdivision Guarantee & Title Documents
Raedeke & Associates Critical Areas Report of April 7, 2015

GT Ranch Kittitas County CUP Comments-070615

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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

DECLARATION OF BILL H. WILLIAMSON IN SUPPORT OF GT RANCH'S MOTION FOR CONTINUANCE OF HEARING

I, the undersigned under the pains and penalties of the laws of perjury, and being over the age of 18 years, declare and state:

1. My law office represents a party, GT Ranch, LLC, a party to the noticed proceedings scheduled for hearing before the Kittitas County Land Use Hearing Examiner's office that are to be held on June 11, 2015 at 6:00 PM at the Kittitas County Courthouse to review applicant Washington State Department of Fish & Wildlife's ("WDFW") Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit Applications for Yakima Highway 10 Boat Ramp.

2. On June 1, 2015 I received the notice below from the Department of Community Development Services dated May 26 , 2015 that was posted on May 28, 2015. See attached envelope at Exhibit 1.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS&C@KITTITAS.WA.US
Office (509) 962-7506
Fax (509) 962-7682

Building Partnerships — Building Communities™

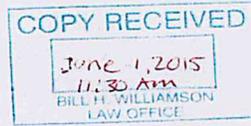
NOTICE OF PUBLIC HEARING

To: Interested County Departments & Agencies with jurisdiction
Adjacent Property Owners
Applicant

From: Lindsey Ozbolt, Staff Planner

Date: May 26, 2015

Subject: WDFW Hwy 10 Conditional Use Permit, Shoreline Substantial Development Permit, and
Shoreline Conditional Use Permit (CU-14-00006 & SD-14-00003)



NOTICE IS HEREBY given that the WDFW Hwy 10 Conditional Use Permit, Shoreline Substantial Development Permit, and Shoreline Conditional Use Permit public hearing for a boat launch and associated parking on the Yakima River has been scheduled for **June 11, 2015** at 6:00 p.m. before the Kittitas County Hearing Examiner in the Kittitas County Courthouse Auditorium, 205 W 5th Ave, Rm. 109, Ellensburg, WA, 98926. Anyone with an interest in this matter is urged to attend this noticed hearing where testimony will be taken. Written comments will be received and documents may be viewed online at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> or at Kittitas County Community Development Services, 411 N. Ruby St, Suite 2, Ellensburg, WA, 98926 prior to the hearing. Interested persons are encouraged to verify date and time prior to attending.

COMMUNITY PLANNING • BUILDING INSPECTIONS • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT

DECLARATION OF BILL WILLIAMSON
IN SUPPORT OF GT RANCH'S MOTION
FOR CONTINUANCE OF HEARING - 2
(CU-14-00006 and SD-14-00003)

WILLIAMSON LAW OFFICE

COLUMBIA CENTER TOWER
701 Fifth Avenue • Suite 5500
P.O. Box 99821 • Seattle • WA • 98139-0821
TEL. 206.292.0411 / FAX 206.292.0313

1 **1.10.015 Presence of Legal Counsel.**

- 2 1. Although representation by legal council is not required, all parties participating in the hearings may be represented by legal council of their choice.
3 2. The hearing examiner shall have the authority to seek legal memorandum of legal issues raised at hearing from the County Prosecutor's Office.
4 3. All forms of legal authority including briefs and other legal memoranda upon which a party of record will be relying or presenting at the hearing must be submitted to the hearing examiner at least one (1) week in advance of the scheduled hearing date. The above mentioned documents shall be available to the public in advance of the scheduled hearing date.

5 (Ord. 2008-19, 2008)

6 **1.10.016 Prehearing Conferences.**

- 7 1. The hearing examiner may hold a conference prior to the hearing to structure the scope of the hearing. The hearing examiner may use the conference for:
8 a. Identification, clarification and simplification of the issues;
9 b. Disclosure of witnesses to be called and exhibits to be presented;
10 c. Arguments of motions based on law;
11 d. Other matters deemed by the hearing examiner to be appropriate for the orderly and expeditious disposition of the proceedings.
12 2. Prehearing conferences may be held by telephone conference call.
13 3. The hearing examiner shall give reasonable notice to the parties of any prehearing conference. Notice may be written or oral.
14 4. All parties shall be represented at any prehearing conference unless they waive the right to be present or represented.
15 5. Following the prehearing conference, the hearing examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
16 6. At the hearing, the hearing examiner shall develop for the record the time, purpose and result of the hearing conference.

17 5. It is for these reasons that I believe that GT Ranch will be substantially prejudiced
18 and would not receive a fair hearing on such short notice. On behalf of GT Ranch, LLC, this
19 Declaration is made in support of GT Ranch's Motion for a continuance of the proceedings
20 under Section 1.10.012 of the Kittitas County Hearing Examiner Rules for good cause for later
21 hearing on this matter to June 25, 2015, so that I may adequately prepare for this hearing on
22 behalf of GT Ranch, LLC.
23

1.10.012 Nature of Proceedings.

Expeditious Proceedings

It is the policy of Kittitas County that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the hearing examiner, county staff and all parties and their agents shall make every effort at each stage of a proceeding to avoid delay.

Hearing Schedule

Regular hearings are scheduled for the second and fourth Thursday of each month at 6 pm, unless a lack of business justifies canceling a regular meeting. The hearing examiner may, from time to time, schedule special meetings outside of the regular meeting schedule in order to accommodate special circumstances, hardships, or to more efficiently process large volumes of applications. The hearing examiner shall have sole discretion to set the special meeting calendar.

Dated this 4th Day of June 2015 at Seattle, WA.



Bill H. Williamson

1 **DECLARATION OF SERVICE**

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

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

5 **Lindsey Ozbolt, Staff Planner**
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: lindsey.ozbolt@co.kittitas.wa.us
- Other:

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

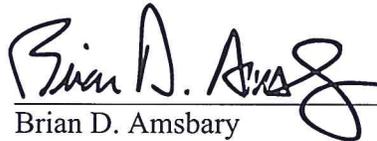
- Hand Delivery
- First Class U.S. Mail
- E-mail: andy@wenatcheelaw.com
- Other:

15 **Christina Gourley, applicant**
16 **Washington State Dep't of Fish & Wildlife**
17 600 Capitol Way North
18 Olympia, WA 98502

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

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

21 Executed this 4th day of June, 2015, at Seattle, Washington.

22 
23 Brian D. Amsbary