

Jeff Watson

From: Andrew Kottkamp <andy@wenatcheelaw.com>
Sent: Wednesday, April 29, 2015 11:12 AM
To: Jeff Watson
Cc: 'James Carmody'; 'Jeff Slothower'; Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Jeff
Preparation of the record and preservation of the record is for your department. I will identify the record in my recommended decision.

Andrew Kottkamp

Kottkamp & Yedinak P.L.L.C.
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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Wednesday, April 29, 2015 11:01 AM
To: 'Andrew Kottkamp'
Cc: 'James Carmody'; 'Jeff Slothower'; Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Thank you; I will .pdf this and add it to the on-line file. I have added the Planning Official to this correspondence. Mr. Slothower was inquiring as to the status of the “record” at this point (should that correspondence be added as well?). As this is only my 2nd or 3rd project before you I am not sure of protocol for this extended process. Should I assemble the record to this point (re-index, add exhibits, sign in sheets and the like...) or is that part of your territory? Happy to do it; just not sure what needs to be done when, and by who.

Jeffrey A. Watson
Planner II

[Kittitas County Public Works/Community Development Services](http://www.kittitascountywa.gov/CommunityDevelopmentServices)

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Ellensburg WA 98926

jeff.watson@co.kittitas.wa.us

Jeff Watson

From: James Carmody <Carmody@mftlaw.com>
Sent: Thursday, April 30, 2015 4:02 AM
To: Andrew Kottkamp; Jeff Watson
Cc: 'Jeff Slothower'
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for the confirmation regarding post-hearing issues. I also appreciate the clarification of the record. Will the County be preparing an updated exhibit list so we have correct exhibit numbers to reference in the post-hearing brief. That would be helpful. Jamie

*James C. Carmody
Meyer, Fluegge & Tenney, PLLC
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676*

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From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, April 29, 2015 10:42 AM
To: 'Jeff Watson'
Cc: James Carmody; 'Jeff Slothower'
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Jeff
I don't talk to the media about a specific case while a decision is pending (or even after for that matter). Briefs are due by the 15th and my recommended decision will be made by the 29th. The record is open only for legal briefing by the County, the Applicant and Mr. Carmody on behalf of his clients on the general issue of vesting. I was a big long winded in talking about what I would like to see. But it is not just limited to the question of what is a project action. It also includes what constitutes "vesting" as a matter of law (or what constitutes a complete application as a matter of law) when no letter of complete application is issued. I indicated I was interested in the legal effect of the lack of a letter of complete application in 2007, and the impact of it being issued in 2015. I indicated I was interested in the legal effect of the February 9, 2010 letter from the county to the applicant advising that the application would be deemed withdrawn if the TIA was not submitted April 10, 2010, and then the TIA was not submitted by that date but the application continued to be processed by the County. I also expressed an interest in the legal impact of the original SEPA checklist submitted 6-19-2007 that

509-933-8274

From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, April 29, 2015 10:42 AM
To: Jeff Watson
Cc: 'James Carmody'; 'Jeff Slothower'
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Jeff

I don't talk to the media about a specific case while a decision is pending (or even after for that matter). Briefs are due by the 15th and my recommended decision will be made by the 29th. The record is open only for legal briefing by the County, the Applicant and Mr. Carmody on behalf of his clients on the general issue of vesting. I was a bit long winded in talking about what I would like to see. But it is not just limited to the question of what is a project action. It also includes what constitutes "vesting" as a matter of law (or what constitutes a complete application as a matter of law) when no letter of complete application is issued. I indicated I was interested in the legal effect of the lack of a letter of complete application in 2007, and the impact of it being issued in 2015. I indicated I was interested in the legal effect of the February 9, 2010 letter from the county to the applicant advising that the application would be deemed withdrawn if the TIA was not submitted April 10, 2010, and then the TIA was not submitted by that date but the application continued to be processed by the County. I also expressed an interest in the legal impact of the original SEPA checklist submitted 6-19-2007 that mentions nothing of potential traffic impacts although the rezone ordinance applying to this property made note of traffic impacts supporting the requirement of a TIA at time of project action. And then the related legal impact of the optional DNS process noticed 2-9-2015 and the MDNS issued 3-25-2015. Finally I was interested in the legal authority of the County to set a "de facto" date of complete application almost 9 years before the date the application was noticed to the public.

See, once again I was a bit long winded but I hope this helps everyone. This letter should be made a part of the record as exhibit 86.

Andy

Andrew Kottkamp

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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Wednesday, April 29, 2015 10:11 AM

To: Andrew Kottkamp (andy@wenatcheelaw.com) (andy@wenatcheelaw.com)

Subject: LP-07-00040 Big Buck Ridge Plat

LP-07-00040 Big Buck Ridge Plat

Just wanted to confirm a couple of things from my notes for the newspaper RE above:

Briefs are due on May 15th; and
Only the County, the Applicant, and Mr. Carmody may submit; and
They must be specific to this question of what a “project action” is and how it relates to a complete application/SEPA for vesting; and
You render a recommendation on the 29th; and
The record is closed for general comments; and
There will not be another hearing/meeting

Thanks... side note; would you prefer we work with press/media types or...?

Jeffrey A. Watson

Planner II

[Community Development Services](#)

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