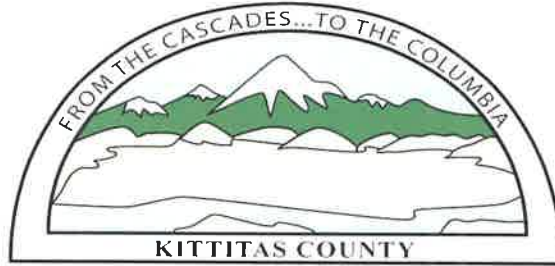


Kittitas County Prosecuting Attorney

GREGORY L. ZEMPEL

Our Mission:

***Seeking Justice; Serving Victims, and
Holding Offenders Accountable***



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Thursday, December 5, 2024

Board of County Commissioners
Kittitas County Courthouse
205 W. 5th Avenue, Suite 108
Ellensburg, WA 98926

RE: SEPA Appeal – Gibson Rezone
File No. RZ-24-00001
Docket Item No. 2024-13

Dear Commissioners,

This matter was scheduled for a SEPA Appeal hearing to be heard by the Board, on December 9, 2024. Ellensburg Cement Products, Inc., requested that the hearing be reset as they did not receive individualized notice of the hearing. The parties agreed on a continuance until December 17, 2024.

Ellensburg Cement Products, Inc., has also raised concerns about process, asserting deficiencies for failure to comply with the process outlined in KCC 15A.07.010(3). KCC 15A.07.010(3) does list certain processes and action items that were not followed for this case, but that is because they do not apply to this action.

Title 15B KCC exempts the procedural requirements in Title 15A KCC. The County established a procedure for annual updates to the Comprehensive Plan and development regulations in accordance with state law (RCW 36.70A130(2)). Title 15A KCC establishes procedures and processes specific to the Project Permit Application Process. Title 15B KCC (amendments to County Plans, Codes, Standards) lists specific procedures and processes related to legislative actions that are not project specific, including the amendment of the County's comprehensive plan and development regulations (i.e. this action).

KCC 15B.01.010 provides:

Non-project legislative actions, including, but not limited to, the adoption and amendment of the comprehensive plan and development regulations, are exempt from the procedural requirements of Title 15A of this code and Chapter 36.70B

RCW. Such actions often require substantial written and oral testimony as the review of such documents may involve revisions at both the advisory and legislative level, thereby necessitating multiple open record hearings. It is therefore the intent of this chapter to provide a process for the consistent and orderly facilitation for non-project legislative actions in compliance with Chapters 36.70A and 43.21C RCW.

Aside from the individualized notice issue, which has been remedied with the agreed continuance, there are no procedural errors on the part of the County as alleged by Ellensburg Cement Products, Inc.

Very Truly Yours,



Stephanie Hartung
Chief Civil Deputy Prosecutor

Cc: Joseph A. Rehberger
Attorney for Appellant

James Carmody, Meyer Fluegge & Tenney PS
Attorney for Applicant