

**BEFORE THE HEARING EXAMINER
FOR CITY OF REDMOND**

In the Matter of the Appeal of)	NO. LAND-2014-01980
)	
)	
Kim Yates, Randy Brown, et al¹)	
)	Nouri Short Plat Appeal
)	
)	
of the August 12, 2015 Notice of Decision)	
approval of the Nouri Short Plat at)	
7502 - 132nd Avenue NE, Redmond)	
TPN 7419700010 and 1025059200)	ORDER REQUIRING
)	PRE-HEARING CONFERENCE
)	

On August 12, 2015, the City of Redmond Technical Committee issued a Notice of Decision approving the Nouri Short Plat, which allows subdivision of 0.5 acres zoned R-6 located at 7502 - 132nd Avenue NE in Redmond, Washington, into three lots.

On August 26, 2015, a total of 21 neighboring property owners timely appealed the notice of decision. One single appeal was filed signed by all 21 persons. The materials submitted do not identify a spokesperson or designated contact. [Ms. Yates and Mr. Brown are named above because theirs is the first set of signatures attached to the single joint appeal.]

Attached to the appeal form and signatures was a letter identifying alleged errors in the Notice of Decision. The errors assigned (paraphrased) include:

1. Tree Protection purpose was not met - Article IV, 21.72.010.A.1, 2, 6;
2. Landmark tree exceptions without required application - Article IV RZC 21.72.060.A.2, RZC 21.72.090.A, .B;
3. Site design standards are not met - Article IV RZC 21.76.060.B.1.a, .b, .c, .d, .e, and .f;
4. Public notification was incomplete and failed to disclose tree removal plan;
5. Tree retention requirement of 35% is not being met - RZC 21.72.060;

¹ The names of those signing the appeal are: Kim Yates, Randy Brown, Sandra Eisert, Charles Reichle, John Buckingham, Elizabeth Limback, Roderick Smith, Leah Ngoche, Luis Ulloa, Patricia Thompson, Ean Chhay, Dennis Berri, Andrew Cameron, Touch Lim, Virgil Lee Whiteside, Jasrat Dange, Kevin and Desiree Gwerder, Rohan Phillips, and Michael and Loucinda Anderson..

6. Re: stormwater management - the drawings are obsolete - current drawings not yet provided, rendering approval premature;
7. Condition of approval 3.c states that the project would generate less than 5,000 square feet of pollution generating impervious surfaces, but no plan has been submitted so this cannot be determined; and
8. No conveyance system is provided on the down-gradient property line, nor any management for downstream properties.

Appellants request the following (paraphrased) relief:

- Revoke the notice of decision and require developer to submit plans for review;
- Provide public notice and substantive opportunity for public input, comment, and appeal;
- Protect down-gradient property owners from runoff;
- Indemnify down-gradient property owners if City's Plan does not work; and
- Create and install stormwater management systems in the Grass Lawn Quadrant of the City as provided to other areas of the City before or as part of the significant development expected.

Because of the number of appellants, the need to clarify claims and requested relief, and the potential complexity of the proceedings, it is necessary to have a **pre-hearing conference** for the clarification of issues and procedures, in order that all parties may effectively participate at hearing.

Order

- 1) At the earliest convenience, Appellants shall confer amongst themselves and notify the Office of the Hearing Examiner of the name(s) and email, US mail, and telephone contact information for a **spokesperson or persons**² who will represent the group at the pre-hearing conference and at the hearing. All Appellants may attend both the pre-hearing conference and the appeal hearing; however, a spokesperson or persons are required to be identified to facilitate communications between Appellants, the City, and the Office of the Examiner and to lead the argument and presentation of evidence at the hearing.
- 2) The **hearing on this appeal is scheduled for Wednesday October 21, 2015 at 1 pm.** At hearing, each party shall have a maximum of one hour to present evidence and

² For the purposes of pre-hearing communications, please specify one contact person to receive all notices from the Office of the Examiner; that person would be charged with disseminating communications from the Examiner to all Appellants. For the purposes of leading the presentation of evidence at hearing, the Appellants may designate up to two spokespersons. The appropriate roles of the spokespersons and all other Appellants will be addressed at the pre-hearing conference.

argument, 30 minutes for cross examination of opposing witnesses, and 30 minutes for rebuttal testimony and argument.

- 3) The required **pre-hearing conference** shall be conducted at the Redmond City Council Chambers on **Monday September 21, 2015 at 6:30 pm**.
- 4) Representatives of both the appellant group and City Staff shall participate in-person at the pre-hearing conference. Any party that will be represented by an attorney at hearing shall have their attorney be present or participate via telephone in the pre-hearing conference.
- 5) The purpose of the pre-hearing conference is clarification of the issues on appeal as well as clarification of the order of operations during proceedings. At the pre-hearing conference, those present shall be prepared and authorized to agree to a pre-hearing submission schedule for the exchange of witness and exhibit lists and pre-hearing legal briefing (if any), as deemed necessary by the Hearing Examiner.
- 6) The instant Order shall be distributed to all parties of record and shall be appended to the record of these proceedings.
- 7) Procedural questions about this Order and any other proper communication relating to the pre-hearing procedural questions about the case may be forwarded by email to the Office of the Hearing Examiner at:

Office of the Hearing Examiner
Attention Ms. Cheryl Xanthos, Deputy City Clerk
cdxanthos@redmond.gov

The Deputy Clerk will forward all email communications to the Examiner and to the representatives for the other party.

Ordered September 2, 2015.

By:



Sharon A. Rice
City of Redmond Hearing Examiner