

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

In the Matter of the Appeal of)	No.	LAND-2014-01966
)		SEPA-2014-01967
)		
Leonard Steiner)		
)		Ellsworth Short Plat
)		
)		
of a March 27, 2015 SEPA)		
Determination of Non-Significance and)		
the September 21, 2015)		
Notice of Decision Approving the)		ORDER REQUIRING
Ellsworth Short Plat)		PRE-HEARING CONFERENCE
_____)		

On March 27, 2015, the Redmond SEPA Responsible Official issued a determination of non-significance (DNS) in review of the Ellsworth Short Plat.

On April 6, 2015, Leonard Steiner (Appellant) appealed the DNS, alleging the following issues on appeal:

An arborist was employed to determine plant value on the property rather than an ecologist. His only assessment was living or dying trees. The sewer line install and tree removal on the property has already disturbed wildlife on the property. None of the wildlife issues are being addressed by this [determination of non-significance].

For relief in the SEPA appeal, the Appellant requested that an environmental impact statement be required.

The SEPA appeal was held pending the City's decision in the related short plat application.

The Redmond Technical Committee approved the Ellsworth Short Plat (LAND-2014-01966) with conditions on September 21, 2015.

On September 28, 2015, Appellant timely filed an appeal of the short plat Notice of Decision. The appeal appears to allege errors relating to the Shoreline Management Act, the State Environmental Policy Act, stormwater management, and impacts to wildlife.

The Hearing Examiner has determined 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.

Anticipated Order of Proceedings at Hearing

The SEPA appeal is consolidated with the appeal of the short plat, consistent with State and local regulations. The following is the typical order of business for appeal proceedings. [The Examiner may change the following order of proceedings on motion by a party or at her own discretion.]

- Introductory remarks by the Examiner calling the hearing to order and explaining the procedures to be followed.
- Appellant will present witness testimony and introduce additional exhibits. Each Appellant witness will be subject to cross examination by the Applicant and by the City.
- The City will then present witnesses and exhibits. Each City witness will be subject to cross examination by the Appellant and the Applicant.
- The Applicant will present its case. Each Applicant witness will be subject to cross examination by the City and by the Appellants. Applicant will make their final argument at this time.
- The City may present rebuttal evidence, if any, and offer final argument.
- The Appellant can present rebuttal evidence, if any, and offer final argument.
- Note there is no public comment period during the open record appeal hearing. Only parties called as witnesses will be allowed to testify, and all will be subject to cross examination.
- Conclusion of the hearing - housekeeping, post-hearing scheduling (if any), and identification of decision due date.

Typically a SEPA appeal is heard separately from other matters; however, in this case the issues overlap significantly. At the pre-hearing conference, there will be discussion on appropriate order of appeal presentation and the format will be decided before the time of hearing.

Please note, the Examiner may decide to institute time limits for each party's appeal presentations, depending on information as developed at the pre-hearing conference.

Order

- 1) A **pre-hearing conference** on this appeal is scheduled for **Wednesday October 21, 2015 at 11:00 am.**
- 2) The **hearing** in the appeals identified above will be heard on **November 20, 2015 at 10 am in the Redmond City Council Chambers.**

- 3) Representatives for the Appellant, Applicant, and City shall participate in the pre-hearing conference. Any party that will be represented by an attorney at hearing shall have their attorney participate in the pre-hearing conference. Any schedule agreed to at the conference will not be altered to accommodate attorneys retained after the conference.
- 4) The purpose of the pre-hearing conference is clarification of the issues on appeal, clarification of the order of operations during proceedings, and setting a schedule for pre-hearing exchanges, if any.
- 5) The parties will be required to identify witnesses and exhibits, and to exchange exhibits, prior to the hearing, in order to facilitate preparation and expeditious proceedings. At the pre-hearing conference, party representatives shall be prepared 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 parties.

Ordered October 6, 2015.

By:



Sharon A. Rice
Redmond Hearing Examiner