

**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 SETTING
Ellsworth Short Plat)		PRE-HEARING SCHEDULE
_____)		

On October 21, 2015, the Redmond Hearing Examiner convened a pre-hearing conference in the above-captioned appeals. The following parties were present for the conference:

For the Appellant:
Leonard Steiner, Appellant

For the Applicant:
Corey Watson, Quadrant Corp.
Matt Perkins, Quadrant Corp.
Steve Anderson, LDC
Matthew Merritt, CE, LDC

For the City:
Heather Maiefski, Associate Planner
Steven Fischer, Development Review Planning Manager

As a reminder, there is no public comment during the appeal hearing. Only persons called as witnesses by a party may testify during the appeals.

Representation

None of the parties brought legal counsel to the pre-hearing conference; however, parties may retain counsel for their representation at hearing. In the event this occurs, the attorney shall submit a notice of appearance as soon as possible. The schedule agreed to at the pre-hearing conference will not be altered to accommodate counsel retained after the conference.

The business conducted at the pre-hearing conference was to establish a schedule for the exchange of information, which the parties shall submit according to the following mutually agreed schedule.

Order

Clarification of Issues

- 1) Not later than Monday October 26, 2015, Mr. Steiner shall submit clarification of the issues on appeal in both appeals, including citation to specific regulations in the Redmond Zoning Code and citation to specific provisions of the Revised Code of Washington which Mr. Steiner alleges the approvals violate.

Document Exchange

- 2) All parties shall submit Witness and Exhibit Lists (explained below) not later than November 4, 2015.
- 3) Should witnesses and exhibits disclosed on November 4th cause any party to offer additional witnesses or exhibits, the party shall disclose the additional witnesses and/or exhibits at the earliest opportunity with an Addendum Witness and/or Exhibit List.
- 4) On or before November 12, 2015, all parties shall submit their exhibits including expert witness credentials if any. The City's Staff report on the appeal shall be included in the City's exhibits.
- 5) In the event that any party retains counsel, pre-hearing legal briefing and dispositive motions, if any, shall be submitted not later than November 16, 2015.

Submittals - Note the following requirements:

- 6) Witness lists shall specify:
 - Name and relationship to appeal (appellant, neighbor, expert, etc.)
 - If offered as expert, a brief summary of credentials (Transportation Engineer, Wetland Biologist, etc)
 - A concise summary of the content of anticipated testimony (Addressing traffic and parking, etc)
- 7) Exhibit lists shall specify:
 - Title and date of document - please give each exhibit a name and date
 - If correspondence, to/from parties and date (e.g., "email from ___ to ___ dated ___")
 - If photographs, by whom taken, when, and from where taken
 - If other materials, identify the source
 - Brief summary of content
 - Each party's exhibit list shall be prepared as a Word document using numbering with no tables or columns.

- 8) For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves shall be exchanged via email. On or before the day of hearing, each party shall provide a complete paper set to each other party and two sets to the Examiner (one for the official record, one for working copies), or four total sets of hard copies.
- 9) Exhibit and witness lists shall be prepared as Word documents, no tables or columns. A Word version of the documents shall be emailed to the Office of the Hearing Examiner by the date of the hearing at the email address below.
- 10) Note: Witness list and exhibit exchange is intended as a good faith effort to disclose all evidence supporting each party's case in order to promote efficiency during the proceedings. However, this matter is an open record appeal hearing, which means new/ previously undisclosed evidence may be offered by any party during their presentation up to the close of the record. Should new witnesses and/or exhibits cause undue surprise to any party at hearing, the record may be held open to allow written rebuttal after adjournment.
- 11) To be considered timely, submittals shall be submitted not later than 4:00 pm on the due date identified. All submittals shall be directed to the attention of the Office of the Hearing Examiner at the email address below, or in person or by mail to the Redmond City Clerk's Officer. The Clerk's office will circulate all communications to all parties and the Examiner.

Office of the Hearing Examiner
Attention Cheryl Xanthos, Deputy City Clerk
15670 NE 85th Street, M/S3NFN
Redmond, WA 98052
cdxanthos@redmond.gov
425.556.2191 ph

- 12) In order to avoid ex parte contact: At no time should any party email the Examiner directly absent exigent circumstances, and all parties should be cc'd on such urgent communications.
- 13) Clarifying questions about this order and any other procedural questions may be directed to the Examiner via email to the same contact information above.

Ordered October 21, 2015.

By:



Sharon A. Rice
Redmond Hearing Examiner