

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

In the Matter of the Application of)	
)	LAND-2014-02307
)	
Mike Walsh, on behalf of)	Terrene 132nd Preliminary Plat
Terrene at RH 132nd LLC)	
)	
For Approval of a Preliminary Plat)	
)	DECISION ON RECONSIDERATION
_____)	

On August 31, 2015, the Redmond Hearing Examiner issued findings, conclusions, and a decision in the above-captioned application, adopting the Technical Committee's recommendation and approving the preliminary plat.

On September 15, 2015, party of record Rew Adams submitted an appeal of the plat approval to the hearing examiner. Such an appeal is appropriately submitted to the City Council. The Office of the Hearing Examiner contacted Mr. Adams and confirmed that he had intended to request reconsideration from the Hearing Examiner. Mr. Adams was invited to complete the correct form, which he submitted on September 21, 2015 and which the Examiner accepted as timely. The Hearing Examiner requested responses from counsel for the Applicant and the City within five business days. The Applicant timely submitted a response on September 24, 2015. The City waived the opportunity to respond.

Issues on Reconsideration

The request for reconsideration stated the following:

The claims by my developer would be considered heresy under the law. However, I know the following to be true: the City of Redmond allowed my developer to put in a stub that was sufficient for the existing homes south of Conover Commons; the City of Redmond did not require adding any capacity at that time for future development; and the City of Redmond allowed the platting of Conover Commons to include a property on top of the easement. The law should not punish and physically damage the property of Conover Commons due to the errors of the City of Redmond. Our government should be held accountable. Why does the law allow for this violation with no accountability for our government officials. If they are unsure then they need to ensure extra accommodations or not allow for any alternatives. (sic)

As relief, the request for reconsideration stated the following:

That Terrene use the southern border of our property as originally requested to mitigate potential damage and loss of access to actual homes. And that the City of Redmond be required to ensure that the restoration work is equivalent of better than the existing infrastructure. (sic)

The Applicant's response to the reconsideration request cites the language of the legally recorded sewer easement, cites the City Attorneys statement of the City's position (in the record at Exhibit 1, Attachment 24) on the proposed plat's use of the existing sewer easement over the Conover Commons property, and requests that the reconsideration be denied.

Jurisdiction

The Redmond Zoning Code establishes the following procedure for requesting reconsideration of Hearing Examiner decisions in Type III land use decisions at RZC 21.76.060.J.6:

Request for Reconsideration. Any party of record may file a written request with the Hearing Examiner [...] for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration. The Hearing Examiner shall act within 10 business days after the filing of the request for reconsideration by either denying the request or issuing a revised decision. The decision on the request for reconsideration and/or the revised decision shall be sent to all parties of record.

Order on Reconsideration

The request for reconsideration fails to identify specific errors of procedure or of fact. It reasserts the equity-based arguments offered in public comment at hearing against the use of the existing sewer easement without refining or adding to them. The request does not show error of fact of procedure sufficient to merit reconsideration.

Reconsideration is denied.

Ordered October 5, 2015.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

The following items are included as attachments to this Decision on Reconsideration:

September 21, 2015 Request for Reconsideration by Rew Adams
Applicant's September 24, 2015 Response