

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

In the Matter of the Appeal of)	NO. LAND-2015-00271
)	
)	
Berkshire Home Builders LLC)	Wang Short Plat Appeal
)	
)	
of the August 28, 2015 Notice of Decision)	
approval of the Wang Short Plat at)	
13416 NE 80th Street, Redmond)	ORDER SETTING HEARING
TPN 1237500160)	
_____)	

On August 14, 2015, the City of Redmond Technical Committee issued a Notice of Decision approving the Wang Short Plat, which allows subdivision of 0.39 acres zoned R-4 located at 7502 - 132nd Avenue NE in Redmond into two lots.

On August 25, 2015, through counsel Jami Balint, Applicant Berkshire Home Builders LLC (Appellant) timely appealed the notice of decision.

The appeal assigned error to Condition of approval A.1.g, which requires an interim walkway along 134th Avenue NE to provide safe walking conditions for students. The Appellant contends this condition is in error because:

- 1) RCW 58.18 and RZC 21.74.020.I.1 require improvements that are necessary for public safety, and there is already a safe walking route from the subject property, meaning the required improvements are not necessary;
- 2) The condition is not properly based on RZC 21.52.030 and RZC 21.54.010.F because the lack of sidewalk is a pre-existing deficiency, and without a finding that the improvements are necessary as a result of the proposal, the Applicant is not required to remediate the deficiency; and
- 3) Even if the Applicant is required to address the pre-existing deficiency, they are only obligated to provide a proportionate share of the required improvements; the condition is not proportionate to the short plat's impacts.

For relief, Appellant requested that Condition A.1.g be stricken.

Because the parties and the issues are clearly specified in the appeal and are limited in scope, the Examiner has determined that no pre-hearing conference is required in this case.

Should either party desire a pre-hearing conference, they may submit a request for one by email (detailed below), stating the business to be covered during such a conference, and the Examiner will decide whether to reconsider scheduling a pre-hearing conference.

Order

- 1) The **hearing on this appeal is scheduled for Wednesday October 21, 2015 at 9:30 am.** At hearing, each party shall have a maximum of one hour to present evidence and argument and a maximum of 30 minutes for cross examination of opposing witnesses. Each party may reserve a portion of their hour for rebuttal testimony and argument.
- 2) The only facts at issue relate to the existing conditions of walk routes and the City's usual manner of interpreting and implementing safe walking requirements.¹ Because these factual issues lend themselves to documentary presentation and all remaining business is legal argument, the Examiner would be willing to entertain a motion to conduct all presentation of evidence and argument in written form, by stipulation of the parties.
- 3) Procedural questions about this Order and any other proper communication relating to the pre-hearing procedural questions 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 emails communications to the Examiner and to the other party.

Ordered September 2, 2015.

By:



Sharon A. Rice
City of Redmond Hearing Examiner

¹ The Examiner's pre-hearing assessment of the relevant facts is not intended to and will not limit the scope of factual evidence that can be offered by the parties.