

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

In the Matter of the Appeal of	)	NO. BLDG 2015-09804
	)	
	)	
Natural and Built Environments LLC	)	
	)	162TEN School Impact Fees Appeal
	)	
	)	
of the May 31, 2016 issuance of	)	
Building Permit BLDG 2015-009804	)	ORDER SETTING HEARING
Authorizing Construction of the 96-unit	)	AND PRE-HEARING DOCUMENT
Single Resident Occupancy Development at	)	EXCHANGE SCHEDULE
<u>16210 NE 80th Street, Redmond</u>	)	

On May 31, 2016, the City of Redmond Technical Committee issued the building permit to authorize construction of the previously reviewed (land use) 96-unit single-resident occupancy (SRO) development at 16210 NE 80th Street in Redmond. The permit applicant Natural and Built Environment, LLC (Appellant) timely appealed the permit as issue contesting the sole issue of assessed school impact fees. The parties expected to participate at hearing are the Appellant, the Technical Committee, and the School District. Because there is a single issue and a single Appellant, it was decided to set the hearing without a pre-hearing conference. The appeal was scheduled to be heard on the next available appeal hearing date of August 17, 2016.

**Anticipated Order of Proceedings at Hearing**

At the hearing, the following is the anticipated order of business. 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.
- It is expected that the Appellant, the Technical Committee, and the school district will be parties to the proceeding. No additional parties are anticipated. If the District is not a party, they may participate as a witness called by the parties. If they do not participate as a party, they will not have a right of cross examination separate from the Technical Committee in the order of proceedings described below.
- The Appellant will present witness testimony and introduce additional exhibits. Each Appellant witness will be subject to cross examination by the District and by the Technical Committee.
- The Technical Committee will then present witnesses and exhibits. Each Technical Committee witness will be subject to cross examination by the Appellant and the District.

- The District will present its case. Each District witness will be subject to cross examination by the Technical Committee and by the Appellant. The District will make their final argument at this time.
- The Technical Committee can present rebuttal evidence, if any, and make their final argument.
- The Appellant can present rebuttal evidence, if any, and make their 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.

## **Order**

### *Hearing Scheduling*

1. The consolidated appeal hearing is scheduled in the Redmond City Council Chambers on August 17, 2016 at 10:00 am.
2. The hearing is expected to conclude during business hours on the 17th. If any party has reason to believe this will not be possible, they may submit pre-hearing motion to request alternate arrangements. If, during proceedings, it appears it is not possible to conclude in one day, the matter it will be continued to a date certain and location agreed upon on the record.
3. If a lunch break is appropriate, we will break for one hour, and other five minute breaks will be allowed as requested and appropriate.
4. Note there is no public comment during the appeals. Only persons called as witnesses by a party may testify during the appeals. The comment period on all decisions at issue has closed, and therefore no written comments will be accepted unless submitted by an identified Appellant witness as an Appellant exhibit.

### *Representation*

5. Legal representatives for all parties who have not yet done so shall submit notices of appearance not later than July 15, 2016. Non-attorney representatives for the parties shall submit notices identifying themselves as spokespersons on the same date.

### *Dispositive Motions*

6. Any party with legal representation who wishes to submit a dispositive motion to limit the scope of the proceedings shall do so not later than July 20, 2016. Should any dispositive motions, be submitted, the other parties will have until July 27, 2016 to submit responses. The Appellant may submit a reply by August 1, 2016. Rulings on dispositive motions, if any, will issue August 3, 2016 or as soon as possible thereafter.

*Document Exchange*

7. All parties shall submit Witness and Exhibit Lists (explained below) not later than August 8, 2016.
8. Should witnesses and exhibits disclosed on August 8th 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.
9. On or before August 15, 2016, 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, but may be issued earlier at the City's option.
10. Pre-hearing legal briefing, if any, shall be submitted on August 15, 2016.
11. Deadlines for post-hearing briefing, if any, shall be established on the record at hearing.

*Submittals - Note the following requirements:*

12. **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)
13. **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.
14. For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves may 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. Note: parties also usually need to keep at least one hard copy for their own use during hearings.
15. 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.
16. All submitted documents will be scanned and placed on the Redmond Hearing Examiner web page available at the City's website. To be sent an email link to the Hearing

Examiner page, send a request by email to the Hearing Examiner Clerk at the email address below.


17. 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.
18. To be considered timely, submittals shall be sent via email 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. 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  
[cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)  
425.556.2191 ph

19. Note: At the conclusion of the hearing, the Examiner may request additional time for decision issuance beyond the ten business days required in the Redmond Zoning Code.
20. 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.
21. 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** July 8, 2016.

By:

  
\_\_\_\_\_  
Sharon A. Rice  
Redmond Hearing Examiner