

CITY OF REDMOND HEARING EXAMINER PRE-HEARING CONFERENCE MINUTES

August 17, 2011

Redmond City Council Chambers 15670 NE 85th Street, Redmond 9 a.m.

Hearing Examiner

Sharon Rice, Offices of Sharon Rice, Hearing Examiner, PLLC

<u>Staff</u> Elizabeth Adkisson, Deputy City Clerk

Convened: 9 a.m.

Adjourned: 10 a.m.

I. CALL TO ORDER

Hearing Examiner Sharon Rice convened the hearing at 9 a.m.

II. DESCRIPTION OF PRE-HEARING CONFERENCE PROCEDURES

Ms. Rice introduced the matter and reviewed the procedures for the pre-hearing conference in the matter of the Redmond Bike Park Site Plan Entitlement (SPE) Notice of Decision and SEPA Determination, File Nos. L110271, L110272.

Ms. Rice reviewed the appeal actions to-date:

05/12/2011 SEPA Determination Issued;

06/08/2011 SPE Notice of Decision Issued;

06/22/2011 Appeals of SPE and SEPA submitted (roughly 30 appellants per issue); and

08/17/2011 Pre-Hearing Conference.

Ms. Rice stated the objectives of the pre-hearing conference:

- identification of parties; selection of spokesperson(s);
- review of issues;
- set a date for the Appeal Hearing;
- set a schedule for submission (pre-hearing exchange of documents/lists);
- review process questions; and
- acceptance of any other motions or questions.

Spokespersons for the Parties to the Appeal introduced themselves for the record: Mr. Harold Zeitz, Appellant Spokesperson; Mr. Robert Katz, Appellant Spokesperson (*not in attendance*); Mr. James Haney, City Attorney, Applicant and City Spokesperson; Thara Johnson, Associate Planner, Planning Staff Representative; and Carolyn Hope, Senior Parks Planner, Applicant.

III. PRE-HEARING CONFERENCE

Discussion ensued and the parties discussed the following matters:

- appeal hearing procedures of the new Redmond Zoning Code;
- pre-hearing motions to be submitted at this time (none);
- proposed appeal hearing date(s);
- pre-hearing submissions and scheduling;
- witness and exhibit lists;
- rules and procedures of an open record appeal hearing; and
- clarification of appeal issues (requested).

The terms of the pre-hearing conference were memorialized in the Pre-Hearing Order Setting Submission Schedule, issued by the Hearing Examiner on Tuesday, August 18, 2011; and is attached hereto.

IV. ADJOURNMENT

The pre-hearing conference closed at 10 a.m. and the meeting adjourned.

BEFORE THE HEARING EXAMINER FOR CITY OF REDMOND

In the Matter of the Appeal of) NO. L110182, DEV110016
) SEPA L110183
)
Harold Zeitz, et al)
) Redmond Bike Park Site Plan Entitlement
)
of a June 8, 2011 approval of)
a Site Plan Entitlement and a)
May 12, 2011 SEPA) PRE-HEARING ORDER
Determination of Non-Significance) SETTING SUBMISSION SCHEDULE

Consistent with the July 22, 2011 Pre-Hearing Conference Order, on August 17, 2011 the parties to the above captioned appeal convened in the City of Redmond Council Chambers to address the items requested in the Order.

Harold Zeitz, Appellants' Spokesperson James Haney, City Attorney for City of Redmond Parks Department, City of Redmond Planning Department, and City of Redmond Technical Committee Carolyn Hope, City of Redmond Parks Department Thara Johnson, City of Redmond Planning Department

A. In response to the Pre-Hearing Conference Order, the following information was submitted:

- 1. Harold Zeitz and Rob Katz will act as spokespersons for the 35 named Appellants. As spokespersons, Mr. Zeitz and Mr. Katz will act as liaisons between the City and the Office of the Hearing Examiner and all other named Appellants.
- 2. Mr. Zeitz and Mr. Katz shall, if they have not already done so, immediately provide email and mailing address contact information to the Office of the Hearing Examiner through the City Clerk's office.
- 3. City Attorney James Haney will represent the City Parks and Planning Departments and the City of Redmond Technical Committee as Responsible Official. The City will act as Applicant, meaning there will not be a separate Applicant case presented by the Parks Department.
- 4. At this time, Appellants have not retained counsel. Should they elect to do so, their attorney is requested to submit a Notice of Appearance at the earliest possible time.

B. <u>It is hereby **ORDERED** that the parties shall comply with the following submission schedule:</u>

- 1. Prior to close of business August 19, 2011, the Appellants and the City shall confirm via email that the October 17, 2011 primary hearing date and the October 24, 2011 alternative/ continuance hearing date are acceptable for all persons who are required to participate.
- 2. At the prehearing conference, the City noted for the record that Appellants' request to delay the hearing beyond the tentatively set date of September 26, 2011 would exceed the 90 day appeal decision deadline established at Redmond Zoning Code (RZC) 21.76.040.D.2. During the prehearing conference, both the Appellants and the City verbally agreed to extension of the appeal decision period through the October hearing dates contemplated. Given the extensive delay already experienced since the June 22, 2011 appeals were submitted, the Examiner is not inclined to allow further delay absent significant reason.
- 3. Contrary to the requirements of the Order, Appellants were not prepared at the prehearing conference to clarify the issues on appeal. Prior to close of business September 2, 2011, the Appellants shall provide a bulleted list for both the SEPA appeal and the Site Plan Entitlement appeal concisely and expressly specifying the issues on appeal (clarifying the June 22, 2011 appeal statements). The level of detail required is as discussed at the prehearing conference.
- 4. Prior to close of business on September 26, 2011, the parties shall submit the following information:
 - a. <u>Witness List</u> This document will give the names, professional credentials (if any), and the general topic of each witness's testimony.
 - b. <u>Exhibit List</u> This document will identify with specificity each document intended to be offered by the submitting party, giving a brief title and date for each document.
 - c. The exhibit and witness lists are intended to disclose as completely as possible, in good faith, all witness and documentary evidence each party intends to rely on.
 - d. On September 26, 2011, the <u>City's pre-hearing legal briefing and Technical</u> <u>Committee Staff Report</u> on the appeal will be submitted. (These items will be included in the City's exhibit list.)
 - e. The parties shall submit copies of <u>all documents</u> identified in their exhibit lists on September 26, 2011. Documents are encouraged to be provided in .pdf format via email, for ease of exchange. The emailed documents should be sent to the Office of the Hearing Examiner and CC'd to the opposing party.

5. All documents submitted in response to this order shall be sent to:

Office of the Hearing Examiner Attention Ms. Liz. Adkisson, Deputy City Clerk <u>emadkisson@redmond.gov</u> PO Box 97010/3NFN Redmond WA 98073 425.556.2191 ph

- 6. Hard copies of each exhibit are required to be submitted in triplicate: one for the official City record of the proceedings, one for the Examiner's working copy, and one for the opposing party. <u>Hard copies shall be provided by mail or delivery before the close of business Monday October 3, 2011</u>. Please submit two copies to the Office of the Hearing Examiner and one copy to the opposing party.
- 7. The instant Order shall be distributed to all parties who participated at the pre-hearing conference and shall be included in the record of these proceedings.
- 8. Clarification questions about this Order or procedural questions regarding the hearing may be submitted in writing (email preferred) via the Office of the Hearing Examiner, with a CC to the other party.

Ordered August 18, 2011.

By:

harmario

Sharon A. Rice City of Redmond Hearing Examiner