



**CITY OF REDMOND  
HEARING EXAMINER  
PRE-HEARING CONFERENCE  
MINUTES**

**August 17, 2011**

Redmond City Council Chambers  
15670 NE 85<sup>th</sup> Street, Redmond  
9 a.m.

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**Hearing Examiner**

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

**Staff**

Elizabeth Adkisson, Deputy City Clerk

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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.



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

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 pre-hearing conference.
4. Prior to close of business on September 26, 2011, the parties shall submit the following information:
  - a. Witness List - This document will give the names, professional credentials (if any), and the general topic of each witness's testimony.
  - b. Exhibit List - 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 City's pre-hearing legal briefing and Technical Committee Staff Report on the appeal will be submitted. (These items will be included in the City's exhibit list.)
  - e. The parties shall submit copies of all documents 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  
[emadkisson@redmond.gov](mailto:emadkisson@redmond.gov)  
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. Hard copies shall be provided by mail or delivery before the close of business Monday October 3, 2011. 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:



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Sharon A. Rice  
City of Redmond Hearing Examiner