

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

In the Matter of the Appeal of)	NO. APP_____
)	DEVREQ-2017-00464/BLDG-2015-02128
)	
Tom and Andrea Short and)	Tom Short Duplex Appeal
Hamid Korasani)	
)	
of a May 18, 2017 Decision by the)	
Technical Committee to Deny a)	ORDER SETTING
Deviation Request for a project at)	PRE-HEARING DOCUMENT
13404 NE 100th Street, Redmond)	EXCHANGE SCHEDULE
_____)	

Pre-Hearing Conference

A pre-hearing conference was convened on June 13, 2017 to expedite efficient proceedings in the above-captioned appeal. The following persons participated in the conference, which was conducted by telephone.

For Appellants:

Samuel Rodabough, Attorney

For the City:

Steven Fischer, Development Services Planning Manager

Lisa Rigg, Development Engineering Manager

The purpose of the pre-hearing conference was to clarify the issues on appeal and to schedule pre-hearing motions and document exchange.

Clarification

On the alleged grounds of incomplete communications between the parties prior to the filing of the appeal, counsel for the Appellants requested to be allowed to submit a clarification of the of the appeal addressing the specific criteria established in RZC 21.17.030. City representatives on the call agreed that the basic issues on appeal had been successfully communicated in the appeal as filed and agreed to accept clarification of the issues in the context of the cited provisions.

Motions

Both parties indicated that pre-hearing dispositive motions are not anticipated, and none were scheduled.

Schedule

The next regular appeal hearing date is July 19, 2017. All parties agreed that the matter could be ready for hearing on that date. Counsel for the Appellants had confirmed availability of other witnesses but had not yet confirmed availability of the Appellants for the 19th. Those on the call discussed pre-hearing submittal timelines in anticipation of going forward on that date. Should the Appellants not be available on July 19th, the next regularly scheduled appeal hearing calendar is August 28, 2017. Counsel for Appellants agreed to alert all as soon as possible if a new date must be found. Call participants were warned that July and August are fairly booked for the examiner and availability for alternate dates is somewhat limited. The schedule agreed to is memorialized in the order below.

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.
- Appellant 's case, including witness testimony and introduction of exhibits. Each Appellant witness will be subject to cross examination by the City.
- The City will then present witnesses and exhibits, with cross examination by the Appellant.
- The Appellant would have an opportunity to present rebuttal evidence.
- Closing arguments would be heard first from the City and then the Appellant; or the parties may request to make closing arguments in writing after adjournment.
- Note: there is no public comment period during the open record appeal hearing. Only persons called as witnesses by the parties 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.

The following Order sets the hearing date and also establishes pre-hearing information exchange deadlines with which all parties must comply.

Order

Hearing Scheduling

1. **The appeal hearing is scheduled in the Redmond City Council Chambers on July 19, 2017 at 1:00 pm.** The hearing will proceed until the appeal is completed with breaks as appropriate.

Document Exchange

2. The Appellants shall submit a memorandum clarifying issues on appeal in light of the provisions at RZC 21.17.030 by close of business Friday June 16, 2017.

3. The parties shall submit Witness and Exhibit Lists (explained below) not later than July 7, 2017.
4. On or before July 12, 2017, the parties shall exchange exhibits, including expert witness credentials if any. The City's Staff report on the appeal may be included in the City's exhibits, or may be made available the usual two weeks prior to the hearing date, at the City's discretion.
5. Legal briefing, if any, shall be submitted by July 12, 2017. Deadlines for post-hearing briefing and/or responses, if any, shall be established on the record at hearing.

Submittals - Please note the following requirements:

6. **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)¹
 - A concise summary of the content of anticipated testimony (Addressing traffic and parking, etc)
7. **Exhibit lists** shall specify:
 - Title and date of document - please give each exhibit a name and date
 - If correspondence, the title shall include 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 (not more than one sentence)
8. Exhibit and witness lists shall be prepared as **auto-numbered Word documents, no tables or columns, numbered 1 through X**. 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. [In the decision document each party will be assigned a prefix - A for Appellant and C for City - but that does not affect your numbered exhibit lists.]
9. For the purpose of satisfying the deadlines above, the witness list, exhibit list, briefing, and the exhibits themselves may be exchanged via email.
10. Should witnesses and exhibits disclosed by any party cause another party to offer additional witnesses or exhibits, the additional witnesses and/or exhibits shall be disclosed with an Addendum Witness and/or Exhibit List at the earliest opportunity. Addendum exhibit lists shall be numbered to start where the original list left off.
11. 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

¹ Note: These instructions relating to witness and exhibit list exchange are generic and used in all pre-hearing scheduling orders. It is not required or expected that all parties would have expert witnesses or would bring representatives from the professions listed as examples.

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.

12. 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 three total sets of hard copies. Note, parties typically also want a copy for their witnesses.
13. To be considered timely, **submittals shall be sent via email not later than 4:00 pm on the due date identified.** All email 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 email communications to all parties and the Examiner.

Office of the Hearing Examiner
Attention Cheryl Xanthos, Deputy City Clerk
cdxanthos@redmond.gov

14. 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 any such urgent communications.
15. 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 June 13, 2017.

By:



Sharon A. Rice
Redmond Hearing Examiner