



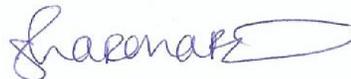
from. The City's brief and the attached declaration of Jozanne Moe indicated that the City anticipated approving the building permit revision request, rendering an appeal of the previous building permit moot.

## **ORDER**

1. Appellant's motion for summary judgment is denied in its entirety. There are material facts in dispute. Regarding the request for issuance of a stop work order, Appellant failed to cite to any authority granting the City's hearing examiner that power. The undersigned is not persuaded that the City's land use hearing process is the proper forum for such a motion.
2. Applicant's motion to dismiss various appeal issues is denied in its entirety; its characterization of appeal issues as having been disposed of through withdrawal of the site plan entitlement application is not persuasive. Given the evidence submitted with Appellant's motion and response and the City's declaration of Jozanne Moe, it is not possible to untangle the issue of whether a recreational marijuana retail use is proposed, and proper procedures have been followed for such a use, without the benefit of testimony subject to cross examination.
3. The City's request for stay of the scheduled appeal proceedings (with pre-hearing document exchange to begin May 17th and the hearing set for May 31, 2017) is granted. The pre-hearing document exchange schedule is suspended until further notice.
4. The May 31, 2017 1:00 pm hearing date and time are not stricken at this time. The parties are instructed to maintain their availability for that date in the unlikely event that the hearing is able to go forward due to a quick denial of the revision request, or for further pre-hearing conference.
5. The City shall notify the undersigned as soon as possible when a decision on the requested building permit revision is issued. If no decision has yet been issued by May 23, 2017, the City shall submit a status report on the building permit revision application via the Hearing Examiner Clerk Cheryl Xanthos by email to [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov). This report should include a new estimate of time remaining on the process. Ms. Xanthos will circulate the information to the parties and the examiner.
6. A future order will be issued not later than May 24, 2017 addressing the May 31st hearing date/time.

**Ordered** May 15, 2017.

By:



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Sharon A. Rice  
Redmond Hearing Examiner