

**BEFORE THE HEARING EXAMINER of the
CITY of SAMMAMISH**

ORDER MEMORIALIZING A PREHEARING CONFERENCE

FILE NUMBER: UZDP2019-00562

APPELLANTS: STCA, LLC & STC JV1, LLC
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APPLICANTS: Same as Appellants

TYPE OF CASE: Appeal from denial of a Unified Zone Development Plan

Date and Time of Hearing: July 12, 2021, starting at 9:00 a.m.

WHEREAS, the Hearing Examiner (“Examiner”) held a “Zoom” prehearing conference in the above-entitled matter on April 1, 2021, in which the following persons participated: Duana Koloušková, Ryan Durkan, Steve Roos, Matt Samwick, Cole W., Billy Pettit, and Peter Brennan for Appellants/Applicants; Peter Eglick, Darci Donovan, Chris Hankins, David Pyle, and Kellye Hilde for Respondent; and Cindy Schaff, Hearing Examiner Clerk; and

WHEREAS, while the parties reached many agreements on procedural matters during the conference (including the dates and times for the hearing), they were unable to reach consensus on the evidence pre-filing schedule and page limits for briefs. The Examiner asked the parties to discuss those topics post-conference and try to propose an agreed schedule. They tried but did not succeed; each communicated its position to the Examiner via e-mail. On April 9, 2021, the Examiner e-mailed a proposed compromise to the parties and asked for comments by the evening of April 12, 2021. No comments were submitted. This Order incorporates the Examiner’s compromise proposal; and

WHEREAS, it is desirable to memorialize the results of said conference for the benefit of the parties.

NOW, THEREFORE, the Hearing Examiner issues the following:

ORDER

1. The proceedings in this appeal shall comply with all applicable provisions of the municipal code and with the adopted City of Sammamish Hearing Examiner Rules of Procedure (“RoP”) except as expressly amended in this Order under authority of RoP 104. In the event of a conflict between the RoP or this Order and the municipal code, the municipal code shall control.
2. The prehearing schedule in RoP 224 is revised as follows:

June 11, 2021	Deadline for issuance of public notice
June 11, 2021	Deadline for City to pre-file under RoP 224(d)
June 25, 2021	Deadline for STCA to pre-file under RoP 224(e) (Prehearing brief limited to 20 pages, double-spaced on pleading paper.)
July 2, 2021	Deadline for City to pre-file rebuttal documents under RoP 224(f) (Prehearing brief limited to 20 pages, double-spaced on pleading paper.)

All submittal deadlines are 5:00 p.m., local time, on the stated dates.

3. All materials shall be pre-filed/filed electronically following the procedures in Emergency RoP 218, Electronic Filing of Exhibits. The requirement in RoP 218(f) to provide the Examiner with a full-size paper copy of large-size plans is limited to the final version of each plan submitted, not to early versions which were not the version acted on by the City.

4. The Examiner will convene the open record hearing at 9:00 a.m. on Monday July 12, 2021, remotely using the GoToMeeting computer-based platform. The principal parties expect that the hearing will last longer than one day. The schedule for the dates reserved for the hearing is as follows:

July 12, 2021	9:00 a.m. – 8:00 p.m.
July 13, 2021	9:00 a.m. – 5:00 p.m.
July 14, 2021	9:00 a.m. – 8:00 p.m.
July 15, 2021	9:00 a.m. – 5:00 p.m.
July 16, 2021	9:00 a.m. – 8:00 p.m.
July 19, 2021	9:00 a.m. – 8:00 p.m. This hearing day will start with an opportunity for public testimony, regardless of where in the normal hearing process the proceedings are. This will be the only time for public testimony. Witnesses will be limited to 5 minutes each. Time is not cumulative and may not be traded or given to another witness. (If the hearing were to otherwise conclude before July 19 th , the hearing will be reconvened at 9:00 a.m. on July 19 th for public testimony.)
July 20, 2021	9:00 a.m. – 5:00 p.m.
July 21, 2021	9:00 a.m. – 8:00 p.m.

5. The City shall issue the public hearing notice(s) as required by code. The public hearing notice(s) may list the reserved continuation dates, but shall not state or imply that the hearing will be held on each and every one of the reserved continuation dates. The notice shall state that public testimony will be heard beginning at 9:00 a.m. on July 19, 2021.
6. The sequence for testimony at the hearing specified in RoP 304(e) is revised as follows:

Introduction by Examiner
Direct Testimony & Evidence Appellant Respondent (Agency)
Rebuttal Testimony & Evidence Appellant Respondent (Agency)

As stated in Paragraph 4, above, public testimony will be heard starting at 9:00 a.m. on Monday, July 19, 2021.

7. The principal parties agreed to present written closing arguments/statements.

The City shall file its written closing argument/statement not later than 14 days after the last hearing day.

The Appellant shall file its written closing argument/statement not later than 28 days after the last hearing day.

Closing arguments/statements shall be not longer than 30 pages, double-spaced on pleading paper.

8. All principal parties and the Examiner agreed to accept E-mail service from one another.

All principal parties and the Examiner agreed to accept digital service of pre-filed exhibits except for certain over-sized documents which shall be provided to the Examiner as paper copies as provided in Paragraph 3, above.

9. Concerns by any principal party regarding errors of omission or commission in this Order may be presented to the Examiner (by E-mail with cross-copy to the other principal parties) not later than noon on Thursday, April 22, 2021.

ORDER issued April 15, 2021.

/s/ John E. Galt

John E. Galt
Hearing Examiner