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BEFORE THE HEARING EXAMINER FOR THE CITY OF KENMORE

RE: Patrick O'Brien	)	
	)	
Glacier Northwest SEPA Appeal	)	SECOND REVISED PREHEARING ORDER
	)	
No. PRJ23-0025/SEPA23-0027	)	
	)	

Whereas, the following terms shall govern the appeal hearing of the above-captioned matter:

A. Email Distribution. The email addresses the Examiner has to this point are listed below. All documents and comments emailed pursuant to this Order should be emailed to all the email addresses below by 5:00 pm of any required deadline. If any of the parties are unable to distribute documents by email please contact the examiner at least four business days prior to the hearing date to work out alternative service.

Hearing Examiner: olbrechtslaw@gmail.com

City of Kenmore: Curtis Chambers  
City Attorney  
Inslee Best  
Skyline Tower,  
NE 4th St Unit 1500  
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cchambers@insleebest.com  
rrosbotham@kenmorewa.gov  
mquery@kenmorewa.gov  
jkovalenko@insleebest.com

Appellant: Patrick O'Brien  
Concerned Citizen Partners  
6330 NE 181 Street  
Kenmore, WA 98028  
patrickobrien859@gmail.com

Applicant: Rachel Mazur

Hillis Clark Martin & Peterson P.S.  
999 3rd Ave #4600  
Seattle, WA 98104  
rachel.mazur@hcmp.com  
[PStoltz@calportland.com](mailto:PStoltz@calportland.com)  
[alex.wu@hcmp.com](mailto:alex.wu@hcmp.com)  
steve.roos@hcmp.com

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5 B. Exhibit and Witness Lists. Witness lists should include a summary of the testimony to be  
6 provided by each witness along with a general estimate on the length of the testimony. The time  
7 estimates are just for scheduling purposes. Witnesses will not be bound to the estimates. Only witness  
8 testimony and exhibits identified in the witness and exhibit lists shall be admitted into the record,  
9 except that additional exhibits and/or testimony may be authorized upon a showing of good cause. A  
10 reasonably unanticipated need to respond or reply shall serve as grounds for good cause.

11 D. Rules of Procedure/Hearing Format. The Rules of Procedure governing the hearing are  
12 located at the City of Kenmore website at the hearing examiner page. The format of the appeal hearing  
13 will be first the shoreline exemption, then SEPA Appeal. Shoreline Exemption hearing order shall be  
14 Applicant, City, Appellant, City Rebuttal, Applicant Rebuttal. SEPA hearing order shall be Appellant,  
15 Applicant, City, Applicant Rebuttal, Appellant Rebuttal.

16 E. Cross-Examination. All witnesses will be subject to cross examination. Declarations and  
17 other documents that would qualify as testimony are admissible without a right of cross-examination  
18 unless a right to cross-examine is asserted by email to all hearing parties within 24 hours of when the  
19 document is disclosed in the witness and exhibit lists.

20 G. Schedule. The following schedule applies:

21 July 8, 2024 Prehearing Motions Due

22 July 15, 2024 Motion Responses Due

23 July 17, 2024 Motion Replies Due

24 July 18, 2024 1:00 pm, Oral Argument on City motion to dismiss, virtual hearing.

25 July 26, 2024 Witness and Exhibit Lists due. Copies of all exhibits must also be  
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provided to all parties by this deadline. Copies of all exhibits must also be provided to all parties by this deadline.

July 29, 2024 Rebuttal Witness and Exhibit Lists due. Copies of all rebuttal exhibits must also be provided to all parties by this deadline.

July 30, 2024 9:00 am; Appeal hearing, witnesses in-person unless mutually agreed otherwise.

August 18, 2024 9:00 am, continued appeal hearing for two of Appellant witnesses and City/Applicant rebuttal witnesses to Appellant August 18 testimony. All witnesses in-person unless mutually agreed otherwise.

ORDERED this 18<sup>TH</sup> day of July, 2024.

*Phil Olbrechts*  
City of Kenmore Hearing Examiner