

ISLAND COUNTY HEARING EXAMINER

re: Appeal by Gebert and Hodge of S-
VAR Type II Decision (Permit
351/22)

APL 401-23
SVAR 352/22

PRE-HEARING ORDER

Required Actions by Parties

The Hearing Examiner, having only cursorily reviewed a record of: Appellants' Counsel McCullough Hill, PLLC's letter/written statement of appeal and exhibits including staff report, *filed* 12/4/23, and having no record transmitted along with the appeal from the County, and therefore seeing a potentially unclear record and a number of issues that should be made clear before a hearing, with the authority Pursuant to §2.4.4 of the Rules of Procedure for the Proceedings Before The Hearing Examiner of Island County (RPPBHE), as authorized by ICC 16.13.100, the Hearing Examiner hereby orders:

ORDER

1. Submissions in general:

- a. Any ordered disclosure between the parties of filings, or pleadings, exhibits, comments, motions, and other material intended to be seen by the Hearing Examiner as part of any decision making process the Hearing Examiner is involved in, may be filed by e-mail with the Clerk of the Hearing Examiner, Nicole Wheat at NR.Wheat@islandcountywa.gov, with copies to other parties or their counsel of record. Any direct e-mail to the Hearing Examiner should be avoided.

- b.** Any party filing legal briefs, memos, or motions shall submit them in both .pdf and a .doc/.docx format.
 - c.** Any and all historical laws or regulations referenced must be filed with copies transmitted to all parties or their counsel of record as well.
- 2.** A pre-hearing conference of the parties will occur on **January 8, 2023 at 10:00 a.m.** to be held by Microsoft Teams through a link provided by the Clerk of the Hearing Examiner;
 - a.** The parties or their designated representatives must appear;
 - b.** The County shall provide the Office of the Hearing Examiner a complete record of the records associated with the file being appealed to be made publicly available and accessible to all parties by **December 20th, 2023.**
 - c.** The parties will file a short memo by **January 2nd, 2024** for the pre-hearing conference containing, and be prepared to discuss at the hearing, the following:
 - i.** A list of the applicable and relevant bodies of law each party believes is applicable in this case, to determine what is procedurally agreed between the parties;
 - ii.** A list of evidence that should be in a record or missing from the record, if any;
 - iii.** A list of objections to any of the evidence currently in existing exhibit lists, if any;
 - iv.** A list of probable witnesses, their titles, and their addresses, if any; and
 - v.** Whether there are any identifiable, applicable, relevant, and binding Hearing Examiner decisions already made in this case.

- d. If either party believes they need more time, they should conference with each other and provide a range of mutually agreed acceptable dates to the Clerk of the Office of the Hearing Examiner, and any necessary waivers to toll time.
3. The parties may opt to file their memos electronically by e-mailing the Clerk of the Office of the Hearing Examiner, Nicole Wheat at NR.Wheat@islandcountywa.gov.

SO ORDERED this 5th day of December 2023.



Rajeev D. Majumdar, Hearing Examiner