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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In Re: Appeal by  
  
SAVE MADISON VALLEY  
  
of Decisions Re Land Use Application,  
Design Review, and Code Interpretation  
for 2925 East Madison Street, Project  
3020338-LU and 3028345

HEARING EXAMINER FILE:  
MUP 18-020 (DR, W) & S-18-011  
  
SAVE MADISON VALLEY’S  
RESPONSE TO MOTION FOR  
CLARIFICATION

To obtain an order to provide clarification of an appeal, a respondent must show that the information requested is necessary to make the appeal complete and understandable. In its Motion, Velmeir argues that the appeal “lacks specificity,” and requests details that are not necessary to understand the appeal and that go well beyond what is required by law to be included in an appeal. Because Velmeir failed to demonstrate that the information requested is necessary to make the appeal complete and understandable, the motion should be denied.

It should be noted that Velmeir is requesting a considerable amount of information and it would take a significant amount of time and effort for Appellant to respond if the motion is granted.<sup>1</sup>

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<sup>1</sup> After having had an opportunity to review the Motion for Clarification, it has become apparent that the deadline that was set at the prehearing conference for Appellant to respond to an order to clarify, if issued, could be difficult to meet in light of the level of detail and amount of information being requested in the motion. For that reason, if the motion is granted, Appellant may submit a formal request for an extension of that deadline.

1 **A. Clarification of an appeal is required only when its necessary to demonstrate the basis**  
2 **for jurisdiction or to make the appeal complete and understandable.**

3 The Hearing Examiner may order an appellant to clarify a notice of appeal only when it's  
4 necessary to demonstrate the basis for jurisdiction or to make the appeal complete and understandable.

5 The Seattle Hearing Examiner rule on clarification states:

6 On the motion of a party . . . the Hearing Examiner may require that  
7 the appellant provide clarification, additional information, or other  
8 submittal **that the Hearing Examiner deems necessary to**  
9 **demonstrate the basis for the Hearing Examiner's jurisdiction, or**  
10 **to make the appeal complete and understandable.**

11 Hearing Examiner Rule 3.04 (emphasis supplied).

12 This rule appears to recognize that appellants who are unfamiliar with land use law or  
13 unfamiliar with the process may file appeals that do not clearly articulate the specific issues that they  
14 intend to pursue. This rule is presumably meant to ensure that the appeal is complete and  
15 understandable so that the respondents to the appeal will have a basic understanding of what claims  
16 are being presented.

17 **B. An appeal must contain a brief statement of the claims being presented.**

18 The Hearing Examiner Rules and the Seattle Code dictate what must be in an appeal. Among  
19 other things, the appeal must contain:

20 A **brief statement** of the appellant's issues on appeal, noting  
21 appellant's specific objections to the decision or action being appealed.

22 Hearing Examiner Rule 3.01(d)(3) (emphasis supplied). Thus, the rules require a brief statement of  
23 specific objections so that the City and the respondents are put on notice as to what the legal claims  
24 will be. The rules do not require that an appellant provide details and evidence beyond that brief  
25 description of the specific objection.  
26

1 The City of Seattle Code states: “In form and content, the appeal shall conform with the rules  
2 of the Hearing Examiner.” SMC 23.76.022.C.3.b. Like the Hearing Examiner rules, the Seattle Code  
3 also states that “[s]pecific objections to the Director’s Decision and the relief sought shall be stated in  
4 the written appeal.” SMC 23.76.022.C.3.a. Because the code specifically references the Hearing  
5 Examiner rules with respect to content of an appeal, the Hearing Examiner rule on this, which requires  
6 a “brief statement,” as quoted above, is essentially codified.  
7

8 **C. The Save Madison Valley Notice of Appeal was complete and understandable.**

9 The Notice of Appeal that was filed in this matter was complete and understandable.<sup>2</sup> The  
10 appeal contains four major headings that clearly articulate the subject matter for each specific objection  
11 listed therein: (1) SEPA issues (2) Design Review issues (3) Land Use Code Interpretation issues; and  
12 (4) and other Land Use Code issues. *See* Notice of Appeal (Aug. 6, 2018). Under each of these major  
13 headings, the Notice of Appeal provides a brief statement for each specific objection. *Id.* Copies of the  
14 specific decisions that were being challenged were attached to the Notice of Appeal. *Id.*  
15

16 In its Motion for Clarification, Velmeir identifies specific provisions of Save Madison Valley’s  
17 Notice of Appeal in italics and lists a number of requests for clarification with respect to each provision  
18 that Velmeir contends lacks specificity. This response utilizes the same approach, quoting and  
19 underlining the same provisions, and then provides a response to Velmeir’s specific requests for  
20 clarification with respect to each identified provision from the Notice of Appeal. In other words, the  
21 quotes shown in italics below are from the SMV Notice of Appeal and they are each followed by  
22 SMV’s response to the relevant request for clarification.  
23

24  
25  
26 <sup>2</sup> Respondent Velmeir/TVC Madison’s Motion for Clarification does not assert that the appeal lacks  
information necessary to demonstrate the basis for the Hearing Examiner’s jurisdiction. The only issue presented concerns  
whether the appeal is complete and understandable.

1 **SMV Appeal, p. 1:21-2:4:**

2 *Velmeir used the presence of the slope to its advantage to get extra height and then,*  
3 *ironically, proposed to remove the slope completely. Velmier argued for and received*  
4 *a complete waiver of all steep slope and liquefaction protections in the code. Velmier*  
5 *also argued for and received a green light to remove every single tree on site, including*  
6 *exceptional trees. Velmeir didn't even try to minimize the impacts of its development*  
7 *and SDCI didn't even ask them to.*

8 *All of this was done in violation of the Seattle Code. To the extent that project is*  
9 *consistent with the code, this is largely because there are loopholes in the language of*  
10 *certain provisions that have allowed unintended results that are clearly inconsistent*  
11 *with the intent of the code and with the goals of the Comprehensive Plan. These*  
12 *unintended results will cause significant adverse environmental impacts. The code*  
13 *exemptions and waivers that SDCI granted to the developer have allowed a proposal*  
14 *that will have significant impacts that must be disclosed and mitigated under SEPA.*

15 **SMV Response to Velmier Request for Clarification:**

16 The two paragraphs quoted above are excerpts from the general "Introduction" in SMV's  
17 Notice of Appeal.

18 The central legal focus of Velmeir's motion for clarification is Velmeir's reference to a  
19 requirement that the objections to the decision be "specific." Velmeir's motion locks in on the word  
20 "specific" and claims repeatedly that the appeal "lacks specificity."

21 But, the word "specific" in HER 3.01(d)(3) and in SMC 23.76.022(C)(3)(a) refers only to the  
22 "objections" to the "decision." There is no requirement that an "Introduction" be "specific." In fact,  
23 the Hearing Examiner rules do not even require that an introduction be included at all.

24 The "Introduction" in SMV's Notice of Appeal is a general summary of the case provided in  
25 a narrative format much like the introduction to an opening brief would look. The narrative in this  
26 section does not have to be "specific" and it is not necessary that anything stated in this introduction  
be clarified to ensure that the appeal is complete and understandable The "specific objections" set

1 forth in Section IV.2 of the Notice of Appeal provide the information that is required by HE Rule 3.01  
2 and they do so in a manner that is necessary for a complete and understandable appeal.

3 **SMV Appeal, p. 3:15-22:**

4 *Members of SMV will be significantly and adversely impacted by the East Madison*  
5 *Street Proposal. The height, bulk, and scale of the proposal will overwhelm the site*  
6 *and tower over SMV members' homes. Currently, the project site is largely forested.*  
7 *The tree canopy on the site covers approximately 36% of the total parcel area and at*  
8 *least 39 of the trees on site are "significant" as that term is defined by code. In the*  
9 *interest of covering practically every square inch of the site with an enormous,*  
10 *oversized building, the developer has proposed complete removal of the forest and*  
11 *replacing pervious with impervious surfaces on site. The removal of trees and*  
12 *pervious surfaces will have severe stormwater, aesthetic, environmental, and other*  
13 *impacts on members of SMV. The enormous loss of permeable surface that would*  
14 *result from this development would exacerbate flooding and sewage overflow*  
15 *problems in the area where SMV members live, which are currently out of control.*  
16 *The East Madison Street Proposal will also introduce significant public safety issues,*  
17 *especially new traffic and congestion onto the streets in the area that are used by*  
18 *members of SMV, including the quiet, narrow residential street, Dewey Place East.*

14 **SMV Response to Velmier Request for Clarification:**

15 As mentioned above, the central legal focus of Velmeir's motion for clarity is Velmeir's  
16 reference to a requirement that the objections to the decision be "specific." And, also as mentioned  
17 above, the word "specific" refers only to the "objections" to the "decision." HER 3.01(d)(2); SMC  
18 23.76.022(C)(3)(a).

19 The paragraph quoted above is not offered as part of the list of specific objections to the  
20 decision. It is an excerpt from the section of the Notice of Appeal that provides the information that  
21 is required by a completely different provision in the rule - HER 3.01(d)(3). This provision requires  
22 that an appeal contain "a brief statement as to how the appellant is significantly affected by or  
23 interested in the matter appealed." HER 3.01(d)(3) (emphasis supplied). The word "specific" is  
24 nowhere to be found in this provision.  
25  
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1 The paragraph quoted above provides a brief statement as to how Save Madison Valley is  
2 significantly affected by or interested in the matter appealed. Velmeir does not challenge SMV's  
3 standing and Velmeir does not contend that this paragraph fails to meet the requirements of HER  
4 3.01(d)(3).  
5

6 The information requested by Velmeir is not necessary to make the appeal complete and  
7 understandable. For purposes of a "brief" statement about standing, it is enough to say that the  
8 members are concerned that a loss of permeable surface that would result from this development  
9 would exacerbate flooding and sewage overflow problems in the area where SMV members live,  
10 which are currently out of control. It is enough to say that the East Madison Street Proposal will also  
11 introduce significant public safety issues, especially new traffic and congestion onto the streets. Those  
12 statements are complete and clear and demonstrate standing.  
13

14 Save Madison Valley will present witness testimony and evidence to demonstrate how the  
15 project will exacerbate flooding and sewage overflow problems, what the new public safety issues  
16 will be, and how the project will create new traffic and congestion concerns at the hearing. Providing  
17 all of that information to so-called "clarify" its appeal at this time is not only unnecessary, it would  
18 require quite a bit of effort that would take a significant amount of time and resources.  
19

20 **SMV Appeal Statement 1(a), p. 4:4-9:**

21 *The Director did not require or collect the necessary and adequate information upon*  
22 *which to make a determination on whether the East Madison Street Proposal would*  
23 *have significant adverse impacts related to steep slopes, surface water, groundwater,*  
24 *sewer and waste water, flooding, trees, wildlife habitat, land use, aesthetics (including*  
25 *height, bulk, and scale), public safety, traffic and transportation, construction, and*  
26 *public infrastructure/utilities. The information provided in the environmental checklist*  
*and the supplemental information relied upon by the responsible official to issue a*  
*DNS was inadequate, misleading, incomplete, and incorrect. The comments letters,*  
*request for interpretation, and oral testimony submitted on behalf of SMV and its*  
*members provide details on these topics.*

1 **SMV Response to Velmier Request for Clarification:**

2           The statement in the paragraph underlined above is a specific objection to the decision that is  
3 complete and understandable. The specific objection is that the information provided in the  
4 environmental checklist and the supplemental information relied upon by the responsible official to  
5 issue a DNS was inadequate, misleading, incomplete, and incorrect. It also clearly states that comment  
6 letters, which are in the public record and easily accessible to the applicant, provide details on these  
7 topics. Velmeir’s claim that the underlined sentence “lacks specificity,” or is in any way unclear is  
8 incorrect. This statement is clear and specific.

9  
10           It is not necessary for SMV to provide additional information requested by the Applicant to  
11 make this specific objection complete and understandable. This is a Notice of Appeal statement, not  
12 a legal argument in a brief. The point is made - the issue is defined.

13  
14           Moreover, a description of what portions of the checklist were inadequate, misleading,  
15 incomplete, and incorrect would take many, many pages to convey. It most certainly would not be a  
16 “brief statement” of the specific issue. As it is, the appeal is already 8 pages long. If the appeal  
17 contained all of the information requested by this and the other “requests for clarification,” the appeal  
18 would become unwieldy.

19           Appellant will present witness testimony and/or documentary evidence that will go through  
20 the environmental checklist and supplemental information relied on by the Responsible Official at the  
21 upcoming hearing and will discuss, within the context of the testimony of our experts and our  
22 witnesses, how that information was inadequate, misleading, incomplete, and incorrect. Doing so in  
23 an appeal document would require an enormous amount of time, effort, and development of testimony  
24 at a very premature time in the process.

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1 **SMV Appeal Statement 1(b), p. 4:10-17:**

2 *The East Madison Street Proposal will have probable significant adverse impacts*  
3 *related to steep slopes, surface water, groundwater, sewer and waste water, flooding,*  
4 *trees, wildlife habitat, land use, aesthetics (including height, bulk, and scale), public*  
5 *safety, traffic and transportation, construction, parking, noise, and public*  
6 *infrastructure/utilities. The Director erred in concluding otherwise. These impacts*  
7 *were not adequately disclosed, analyzed, or mitigated by SDCI. The lack of analysis*  
8 *of the impacts of the tree removal is particularly alarming. The City's regulations do*  
9 *not adequately address or mitigate the environmental impacts of this Proposal. The*  
10 *Director erred in concluding that no further mitigation was warranted for the*  
11 *significant impacts that will be caused by the Proposal. The comments letters, request*  
12 *for interpretation, and oral testimony submitted on behalf of SMV and its members*  
13 *provide details on these topics.*

10 **SMV Response to Velmeir Request for Clarification:**

11 The statement in the paragraph underlined above is a specific objection to the SEPA decision  
12 that is complete and understandable. The specific objection is the East Madison Street Proposal will  
13 have probable significant adverse impacts related to steep slopes, surface water, groundwater, sewer  
14 and waste water, flooding, trees, wildlife habitat, land use, aesthetics (including height, bulk, and  
15 scale), public safety, traffic and transportation, construction, parking, noise, and public  
16 infrastructure/utilities. The Director erred in concluding otherwise. These impacts were not adequately  
17 disclosed, analyzed, or mitigated by SDCI.

18 Velmeir's claim that the underlined sentences "lack specificity," or are in any way unclear is  
19 incorrect. They are clear and specific.

20 Velmeir's request that SMV describe with specificity what the probable significant adverse  
21 impacts are related to each and every one of these listed elements of the environment is way beyond a  
22 "brief statement" and is also going beyond what is necessary to understand the issue. The legal issue  
23 is: The project will have significant adverse impacts related to the specific elements of the environment  
24 that are listed. That's how a Determination of Significance states the issue. If the Applicant wants  
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1 more information on this, discovery is available. It is not necessary for SMV to provide more  
2 information in its appeal to make this specific objection complete and understandable. This is a Notice  
3 of Appeal statement, not a legal argument in a brief. The point is made clearly - the issue is defined.

4 The applicant is asking for details that will be presented by witnesses, documentary evidence,  
5 and during cross-examination. Responding to this request to “clarify” would require a significant  
6 amount of time and effort working with experts and others to prepare a summary and analysis on each  
7 topic.

8  
9 Furthermore, this request is a bit disingenuous. Members of Save Madison Valley have  
10 attended multiple design review meetings, attended a major public hearing and testified, and submitted  
11 numerous public comments. There is really little mystery at this stage in the process about what the  
12 impacts of concern are. They have been presented over and over again to the City in great detail  
13 throughout the land use process.

14  
15 **SMV Appeal Statement 1(c), p. 4:17-21:**

16 *The Director erred in concluding that the Design Review Process resulted in sufficient*  
17 *review and mitigation of the height, bulk, and scale impacts of the proposal. The*  
18 *height, bulk, and scale of the proposal will cause significant adverse aesthetic and land*  
19 *use impacts. The design guidelines do not adequately address or mitigate the adverse*  
20 *impacts of the proposal. There was clear and convincing evidence that height, bulk,*  
21 *and scale impacts documented through environmental review were not adequately*  
22 *mitigated by design review.*

23 **SMV Response to Velmeir Request for Clarification:**

24 The statement in the paragraph underlined above is a specific objection to the Design Review  
25 decision that is complete and understandable. The specific objection is that the Director erred in  
26 concluding that the Design Review Process resulted in sufficient review and mitigation of the height,  
bulk, and scale impacts of the proposal. The height, bulk, and scale of the proposal will cause

1 significant adverse aesthetic and land use impacts. Velmeir’s claim that the underlined sentences “lack  
2 specificity,” or are in any way unclear is incorrect. They are clear and specific.

3 Velmeir’s request that SMV describe with specificity what the significant aesthetic and land  
4 use impacts that are caused as a result of the height, bulk, and scale of the proposal is going beyond  
5 what is necessary to understand the issue. It is not necessary for SMV to provide more information to  
6 make this specific objection complete and understandable. The applicant is asking for details that will  
7 be presented by witnesses, documentary evidence, and during cross-examination. Responding to this  
8 request to “clarify” would require an enormous amount of time, working with experts, and effort to  
9 prepare a summary and analysis on each topic.  
10

11 Furthermore, the issues are not a mystery to the applicant. Members of Save Madison Valley  
12 have attended multiple design review meetings and have testified and commented over and over again  
13 to the City about this specific issue in great detail throughout the land use process. The Design Review  
14 Board decision, which is attached to the Notice of Appeal, summarizes the public comments that were  
15 submitted to the Board throughout the process.  
16

17 **SMV Appeal Statement 2(b), p 5:13-17:**

18 *The East Madison Street Proposal is inconsistent with the Citywide Design Guidelines*  
19 *CS1, CS2, CS3, PL1, DC1, DC2, and DC3. SDCI and the Design Review Board*  
20 *misapplied and misconstrued these Design Guidelines when it recommended approval*  
21 *of the Proposal. SDCI erred when it concluded that the decision and recommendation*  
*of the Design Review Board was consistent with the Design Guidelines.*

22 **SMV Response to Velmier Request for Clarification:**

23 The statement in the paragraph underlined above is a specific objection to the Design Review  
24 decision that is complete and understandable. The specific objection is that the East Madison Street  
25 Proposal is inconsistent with the Citywide Design Guidelines CS1, CS2, CS3, PL1, DC1, DC2, and  
26

1 DC3. Velmeir’s claim that the underlined sentence “lacks specificity,” or is in any way unclear is  
2 incorrect. This is a clear and specific statement.

3 A detailed description about how the proposal is inconsistent with Citywide Design Guidelines  
4 CS1, CS2, CS3, PL1, DC1, DC2, and DC3 is not necessary to make this specific objection complete  
5 and understandable. The applicant is asking for details that will be presented by witnesses,  
6 documentary evidence, and during cross-examination. Responding to this request to “clarify” would  
7 require an enormous amount of time, working with experts, and effort to prepare a summary and  
8 analysis on each topic at this very premature stage of the process.

10 Furthermore, as stated above, the reasons for this claim are certainly not a mystery to the  
11 applicant. First of all, the Design Review Board decision, which is attached to the Notice of Appeal,  
12 summarizes the public comments that were submitted to the Board throughout the process. Those  
13 comments provide a significant amount of detail about how the proposal is inconsistent with the  
14 Design Guidelines. Second, Members of Save Madison Valley have explicitly mentioned these Design  
15 Guidelines in comment letters and public testimony over and over again throughout the land use  
16 process. The issues of concerns are no mystery to the Applicant.

18 **SMV Appeal Statement 2(d), p. 5:22-25:**

19 *The Design Review Board decisions were made in error and were not fully informed*  
20 *because the Design Review process did not allow for meaningful public participation*  
21 *as was described in detail in the comment letters submitted on behalf of SMV by its*  
22 *representative. The Design Review Board may have violated SMC 23.41.014 to the*  
23 *extent that the members of the Board did not review the written public comments that*  
24 *were submitted regarding design review issues.*

24 **SMV Response to Velmeir Request for Clarification:**

25 The statement in the paragraph underlined above is a specific objection to the Design Review  
26 decision that is complete and understandable. The specific objection is that the Design Review process

1 did not allow for meaningful public participation as was described in detail in the comment letters  
2 submitted on behalf of SMV by its representative. Velmeir’s claim that the underlined sentence “lacks  
3 specificity,” or is in any way unclear is incorrect. This is a clear and specific statement.

4 More information is not necessary to make this specific objection complete and  
5 understandable. The comment letter at issue was submitted on behalf of SMV by its representative  
6 into the public record and it contains a lengthy argument and description of problems on the issue of  
7 public participation. It is public record and available on the City’s website. Adding that information  
8 to the appeal would have added yet another several pages of narrative unnecessarily. The brief  
9 statement highlighting the issue is adequate for a Notice of Appeal.

10  
11 **SMV Appeal Statement 3(a), p. 6:9-15.**

12 *The Director’s construction and application of SMC Section 25.09.180 was made in*  
13 *error. That section should be construed and applied as outlined in detail in the Request*  
14 *for Land Use Code Interpretation submitted by Claudia Newman on May 23, 2018.*  
15 *That Request is attached and incorporated into this appeal. The geotechnical report is*  
16 *subject to the provisions for third party review in SMC 25.09.080.C and SDCI failed*  
17 *to require that the developer adhere to those provisions. Furthermore, as will be*  
18 *demonstrated by the evidence at the hearing, because the project is not consistent with*  
19 *all of the provisions of Chapter 25.09 and all applicable provisions of Title 23, the*  
*waiver should not have been granted. Finally, because adverse impact on the steep*  
*slope area (including the steep slope area that is not on the project site) will result*  
*from the development, the waiver should not have been granted. SDCI’s findings and*  
*conclusions otherwise were made in error.*

20 **SMV Response to Velmeir Request for Clarification:**

21 The statement in the paragraph underlined above is a specific objection to the Land Use Code  
22 Interpretation decision that is complete and understandable. The specific objection is that the  
23 Director’s construction and application of SMC Section 25.09.180 was made in error. The appeal  
24 states “that section should be construed and applied as outlined in detail in the Request for Land Use  
25 Code Interpretation submitted by Claudia Newman on May 23, 2018.” That May 23, 2018 letter was  
26

1 attached to and incorporated into the appeal. The letter provides far more specificity on the issue than  
2 the rules for a Notice of Appeal require. Velmeir’s claim that the specific objection “lacks specificity,”  
3 or is in any way unclear is incorrect. This is a clear and specific statement.

4  
5 Based on its request, it’s evident that Velmeir understands what the specific objection is, but  
6 is just asking for specific factual details that go beyond what is required to be presented in a Notice of  
7 Appeal. More information is not necessary to make this specific objection complete and  
8 understandable. The applicant is asking for details that will be presented in a visual engineering  
9 document in the context of the presentation by expert witnesses at the upcoming hearing.

10 **SMV Appeal Statement 3(c), p. 7:14-19:**

11 *The Director’s construction and application of SMC Section 23.86.006.A.2 was made*  
12 *in error. That section should be construed as outlined in detail in the Request for Land*  
13 *Use Code Interpretation submitted by Claudia Newman on May 23, 2018. That*  
14 *Request is attached and incorporated into this appeal. In this case, the applicant’s*  
15 *methodology is inconsistent with the spirit and intent of the code provision. Velmeir*  
16 *used the presence of the slope to its advantage to get extra height and then proposed*  
17 *to remove the slope completely. The structure does not “respond” to the topography*  
*of the lot, it exploits the topography to its advantage to gain extra square footage and*  
*then removes the slope entirely so that the building ends up being built at a height that*  
*exceeds the appropriate height for the zone.*

18 **SMV Response to Velmeir Request for Clarification:**

19 The statement in the paragraph underlined above is a specific objection to the Land Use Code  
20 Interpretation decision that is complete and understandable. The specific objection is that the  
21 Director’s construction and application of SMC Section 23.86.006.A.2 was made in error. The appeal  
22 states “that section should be construed and applied as outlined in detail in the Request for Land Use  
23 Code Interpretation submitted by Claudia Newman on May 23, 2018.” That May 23, 2018 letter was  
24 attached to and incorporated into the appeal. The letter provides far more specificity on the issue than  
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26

1 the rules for a Notice of Appeal require. Velmeir’s claim that the specific objection “lacks specificity,”  
2 or is in any way unclear is incorrect. This is a clear and specific statement.

3 Based on its request, it’s evident that Velmeir understands what the specific objection is, but  
4 is just seeking details about the legal argument that go beyond what is required to be presented in a  
5 Notice of Appeal. More information is not necessary to make this specific objection complete and  
6 understandable.  
7

8 **SMV Signature Line, p. 8:17-23.**

9 With respect to the signature line on page 8, Mr. Hacker does not intend to speak on behalf of  
10 SMV. Appellant included his signature out of extra precaution to ensure that the Hearing Examiner  
11 Rules for appeal content had been met. Claudia Newman will be the party representative for Save  
12 Madison Valley in this appeal.  
13

14 **D. Conclusion**

15 For the reasons stated above, Save Madison Valley respectfully requests that the Hearing  
16 Examiner deny Velmeir’s Motion for Clarification.

17 Dated this 20th day of September, 2018.

18 Respectfully submitted,

19 BRICKLIN & NEWMAN, LLP

20  
21  
22 By: 

23 Claudia M. Newman, WSBA No. 24928  
24 Attorneys for Save Madison Valley  
25  
26