

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

QUEEN ANNE COMMUNITY COUNCIL

regarding a Determination of Non-Significance
issued by the Director, Seattle Parks and
Recreation

Hearing Examiner File:

W-18-009

**ORDER
GRANTING
INTERVENTION**

On March 14, 2019, the Deputy Hearing Examiner (“Examiner”) received a Motion to Intervene from TreePAC, A Seattle-based political action committee supporting the retention or mitigation of trees within the City of Seattle. TreePAC is represented by Richard Ellison, Vice President of TreePAC. TreePAC seeks to intervene to assure that the ADU FEIS adequately evaluates and protects trees as a valuable environmental resource. The Seattle City Council (“City”) filed an opposition brief opposing intervention.

TreePAC argues that its interests are not otherwise represented in the case, since the appeal parties’ witness and exhibit lists do not indicate that the parties will focus on impacts to tree canopy retention. It requests intervention with respect to portions of Issue 2.4, 2.12, and 2.13, that relate to tree canopy coverage. It also requests authorization to request a remand to allow the City to bring the ADU FEIS into compliance under Issue 3.02 with respect to analysis of impacts of the proposal to tree canopy retention.

The City argues that TreePAC has failed to demonstrate a substantial interest that is not otherwise represented by the Appellant, Queen Anne Community Council, and that the intervention shortly before the hearing would prejudice the City.

TreePAC maintains that its request for intervention “will not delay the hearing process in this matter, as TreePAC has not requested to present witnesses or new evidence.” *Motion to Intervene[Reply]*, HE File Number W-18-009 at 3 (March 18, 2019). Since TreePAC will not be introducing new exhibits or testimony, there is no prejudice to the City in granting this motion.

ORDER

The Motion to Intervene filed by TreePAC is **GRANTED**. The scheduled hearing date for March 25-29, 2019 remains the same. As an Intervenor, TreePAC may not introduce any witnesses or exhibits into the proceeding, nor may it raise any new issues. TreePAC may participate in the proceedings only with respect to questioning of witnesses in regard to the portions of Issue 2.4, 2.12, and 2.13, that relate to tree canopy coverage. TreePAC may provide legal argument, including an opening statement, a closing statement, and/or any post-hearing briefing with respect to portions of Issue 2.4, 2.12, and 2.13, that relate to tree canopy coverage, and may request a remand to allow the City to bring the ADU FEIS into compliance under Issue 3.02 with respect to analysis of impacts of the proposal to tree canopy retention.

Entered this 21st day of March, 2019

Barbara Dykes Ehrlichman

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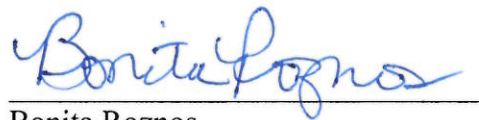
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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Order Granting Intervention** to each person listed below, or on the attached mailing list, in the matter of **Queen Anne Community Council**, Hearing Examiner File: **W-18-009**, in the manner indicated.

Party	Method of Service
Appellant Legal Counsel Jeffrey Eustis eustislaw@comcast.net	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department Legal Counsel Tadas Kisielius tak@vnf.com Dale Johnson dnj@vnf.com Clara Park cpark@vnf.com Jeff Weber jeff.weber@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: March 21, 2019



Bonita Roznos
Executive Assistant